

SB 1594

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THE STATE SENATE
Monday, February 22, 2010

Senate Bill No. 1594
As Amended

SENATE BILL NO. 1594 - By: Schulz of the Senate and Richardson of the House.

An Act relating to game and fish; amending 29 O.S. 2001, Section 4-112, as last amended by Section 1, Chapter 49, O.S.L. 2008 (29 O.S. Supp. 2009, Section 4-112), which relates to hunting licenses; modifying certain nonresident hunting license fees; modifying types of nonresident deer hunting licenses; apportioning funds; 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 4-112, as last amended by Section 1, Chapter 49, O.S.L. 2008 (29 O.S. Supp. 2009, Section 4-112), is amended to read as follows:

Section 4-112. A. Except as otherwise provided for in the Oklahoma Wildlife Conservation Code or the Oklahoma Farmed Cervidae Act, 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 except fish, without having first procured a license from the Department of Wildlife Conservation. The Wildlife Conservation Commission shall designate a consecutive Saturday and Sunday in September of each year as free hunting days in which residents of this state may hunt without first

1 procuring a hunting license pursuant to the provisions of this
2 section.

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

5 1. Legal residents of Oklahoma under sixteen (16) years of age;

6 2. Legal residents of Oklahoma sixty-four (64) years of age or
7 older provided they have obtained a senior citizen's license
8 pursuant to the provisions of Section 4-133 of this title;

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

10 4. Legal resident veterans having a disability of sixty percent
11 (60%) or more;

12 5. Legal resident owners or tenants who hunt on land owned or
13 leased by them;

14 6. Every citizen of Oklahoma serving in a branch of the United
15 States Armed Forces on properly authorized leave from military duty
16 having in his or her possession proper written evidence showing such
17 authorized leave and serving outside the State of Oklahoma at the
18 time of the hunting;

19 7. Any nonresident under fourteen (14) years of age;

20 8. Legal residents having a proven disability which renders
21 them nonambulatory and confines them to a wheelchair, as certified
22 by a physician licensed in this state or in any state which borders
23 this state;

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

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

9 C. Except as otherwise provided for in this Code, the fees for
10 licenses listed in this subsection are:

11 1. a. Annual hunting licenses for nonresidents hunting game
12 other than deer, antelope, or elk, ~~One Hundred Thirty-~~
13 ~~six Dollars (\$136.00) for deer, Two Hundred Dollars~~
14 ~~(\$200.00);~~ One Hundred Forty-one Dollars (\$141.00);
15 for antelope and elk, ~~Three Hundred Dollars (\$300.00)~~
16 **Three Hundred Five Dollars (\$305.00)**. There shall be
17 no exemptions for deer, antelope, elk, or turkey. Any
18 nonresident hunting in a big game or combination big
19 game and upland game commercial hunting area shall be
20 required to have an annual nonresident hunting license
21 pursuant to this subparagraph, and the fee shall be
22 ~~One Hundred Thirty six Dollars (\$136.00)~~ One Hundred
23 Forty-one Dollars (\$141.00). For a five-day

1 nonresident hunting license to hunt game other than
2 deer, antelope, elk, or turkey, the fee shall be
3 ~~Sixty-nine Dollars (\$69.00)~~ Seventy-four Dollars
4 (\$74.00).

- 5 b. (1) Annual annual combination hunting licenses for
6 nonresidents hunting one antlered and one
7 antlerless deer, Two Hundred Fifty Dollars
8 (\$250.00); for nonresidents hunting an additional
9 antlerless deer, Fifty Dollars (\$50.00) which
10 shall be valid only on private lands not managed
11 by the Department of Wildlife Conservation
12 nonresident deer archery license fee shall be Two
13 Hundred Seventy-nine Dollars (\$279.00). The
14 license shall be valid for hunting all deer
15 allowed during the deer archery season,
- 16 (2) annual nonresident deer muzzleloader license fee
17 shall be Two Hundred Seventy-nine Dollars
18 (\$279.00). The license shall be valid for
19 hunting all deer allowed during the deer
20 muzzleloader season, and
- 21 (3) annual nonresident deer gun license fee shall be
22 Two Hundred Seventy-nine Dollars (\$279.00). The

1 license shall be valid for hunting all deer
2 allowed during the deer gun season.

3 c. Of the amount of monies collected pursuant to the
4 provisions of this paragraph, Five Dollars (\$5.00) of
5 the license fee for hunting game other than deer,
6 antelope and elk, Five Dollars (\$5.00) of the license
7 fee for hunting deer, Five Dollars (\$5.00) of the
8 license fee for hunting antelope and elk and Two
9 Dollars and fifty cents (\$2.50) of the five-day
10 hunting license shall be deposited in the Wildlife
11 Land Acquisition Fund created pursuant to the
12 provisions of Section 4-132 of this title and Five
13 Dollars (\$5.00) of each fee shall be deposited in the
14 Oklahoma Wildlife Stamp Fund created pursuant to the
15 provisions of Section 4-141 of this title.

16 2. Disability hunting license, residents of this state for at
17 least six (6) months and who are receiving Social Security
18 Disability benefits, Supplemental Security Income benefits or
19 disability benefits under the Railroad Retirement Act, 45 U.S.C.A.,
20 Section 231a or residents who are one-hundred-percent disabled and
21 are receiving disability payments from the Multiple Injury Trust
22 Fund pursuant to Section 173 of Title 85 of the Oklahoma Statutes,

1 may purchase a disability hunting license from the Director for Ten
2 Dollars (\$10.00) for five (5) years.

3 3. Deer gun hunting license, residents, Nineteen Dollars
4 (\$19.00). There shall be no exemptions except:

5 a. residents sixty-four (64) years of age or older
6 provided such residents have obtained a senior
7 citizen's license pursuant to the provisions of
8 Section 4-133 of this title,

9 b. legal residents of Oklahoma under eighteen (18) years
10 of age provided such residents shall be required to
11 pay a deer gun hunting license fee of Nine Dollars
12 (\$9.00),

13 c. residents with proper certification from the United
14 States Department of Veterans Affairs or its
15 successor, certifying that the person is a disabled
16 veteran in receipt of compensation at the one-hundred-
17 percent rate shall be exempt from the fees specified
18 pursuant to this paragraph, and

19 d. residents hunting in big game or combination big game
20 and upland game commercial hunting areas shall be
21 exempt from the fees specified pursuant to this
22 paragraph.

1 4. Deer archery hunting license, residents, Nineteen Dollars
2 (\$19.00) and for legal residents of Oklahoma under eighteen (18)
3 years of age, Nine Dollars (\$9.00). There shall be no exemptions
4 except residents with proper certification from the United States
5 Department of Veterans Affairs or its successor, certifying that the
6 person is a disabled veteran in receipt of compensation at the one-
7 hundred-percent rate and residents hunting in big game or
8 combination big game and upland game commercial hunting areas shall
9 be exempt from the fees specified pursuant to this paragraph.

10 5. Primitive firearms license, residents, Nineteen Dollars
11 (\$19.00) and for legal residents of Oklahoma under eighteen (18)
12 years of age, Nine Dollars (\$9.00). There shall be no exemptions
13 except residents with proper certification from the United States
14 Department of Veterans Affairs or its successor, certifying that the
15 person is a disabled veteran in receipt of compensation at the one-
16 hundred-percent rate and residents hunting in big game or
17 combination big game and upland game commercial hunting areas shall
18 be exempt from the fees specified pursuant to this paragraph.

19 6. Elk or antelope hunting license, residents, Fifty Dollars
20 (\$50.00). There shall be no exemptions except residents hunting in
21 big game or combination big game and upland game commercial hunting
22 areas shall be exempt from the fees specified pursuant to this
23 paragraph.

1 7. Bonus, special or second deer gun hunting license,
2 residents, Nineteen Dollars (\$19.00). No exemptions except:

3 a. residents sixty-five (65) years of age or older
4 provided such residents have obtained a senior
5 citizen's license pursuant to the provisions of
6 Section 4-133 of this title,

7 b. persons with proper certification from the United
8 States Department of Veterans Affairs or its
9 successor, certifying that the person is a disabled
10 veteran in receipt of compensation at the one-hundred-
11 percent rate shall be exempt from the fees specified
12 pursuant to this paragraph, and

13 c. residents hunting in big game or combination big game
14 and upland game commercial hunting areas shall be
15 exempt from the fees specified pursuant to this
16 paragraph.

17 D. The fees for hunting licenses, except as provided for in the
18 Oklahoma Wildlife Conservation Code, are:

19 1. For legal residents eighteen (18) years of age and older,
20 Nineteen Dollars (\$19.00); for legal residents sixteen (16) or
21 seventeen (17) years of age, Four Dollars (\$4.00); and

22 2. Commercial hunting area small game ten-day permit, resident
23 or nonresident, Five Dollars (\$5.00).

1 E. The provisions of this section shall not be construed to
2 require a hunting license, resident or nonresident, of any person
3 merely because the person participates, as owner or handler of an
4 entry, as an official, or as a spectator in the conduct of a field
5 trial or performance test of dogs, whether a resident or nonresident
6 of the State of Oklahoma. No license to hunt shall be required of
7 any person engaged in training or working dogs, provided that person
8 is in no way engaged in hunting and does not take or attempt to take
9 in any manner any game.

10 F. 1. Any person arrested for hunting game other than deer,
11 antelope, elk, or turkey without a valid hunting license as required
12 by the provisions of subsection A of this section may purchase a
13 substitute temporary thirty-day license from the arresting game
14 warden in lieu of posting bond. Proof of hunter safety
15 certification will not be required for the temporary substitute
16 license. The fee for a substitute license purchased pursuant to the
17 provisions of this subsection shall be:

- 18 a. for legal residents, Fifty Dollars (\$50.00), and
- 19 b. for nonresidents, One Hundred Forty-five Dollars
20 (\$145.00).

21 2. Except as otherwise provided for by this subsection, the
22 fees from licenses purchased pursuant to the provisions of this
23 subsection shall be deposited in the Wildlife Conservation Fund to

1 be used exclusively for developing, managing, preserving, and
2 protecting wildlife and wildlife habitat.

3 G. Any person producing proof in court that a current hunting
4 license issued by the Department of Wildlife Conservation to that
5 person was in force at the time of the alleged offense shall be
6 entitled to dismissal of a charge of violating this section upon
7 payment of court costs; however, if proof of hunting license is
8 presented to the court or district attorney within seventy-two (72)
9 hours after the violation, the charge shall be dismissed without
10 payment of court costs.

11 H. Unless a substitute license is purchased as provided for by
12 subsection F of this section, any resident convicted of violating
13 the provisions of this section shall be punished by the imposition
14 of a fine of not less than Twenty-five Dollars (\$25.00) nor more
15 than Two Hundred Dollars (\$200.00), or by imprisonment in the county
16 jail for a period not to exceed thirty (30) days, or by both.

17 I. Unless a substitute license is purchased as provided for by
18 subsection F of this section, any nonresident convicted of violating
19 the provisions of this section shall be punished by the imposition
20 of a fine of not less than Two Hundred Dollars (\$200.00) nor more
21 than Five Hundred Dollars (\$500.00), or by imprisonment in the
22 county jail for a period not to exceed six (6) months, or by both.

23 SECTION 2. This act shall become effective July 1, 2010.

1 SECTION 3. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.
5 COMMITTEE REPORT BY: COMMITTEE ON TOURISM & WILDLIFE, dated 2-18-10
6 - DO PASS, As Amended and Coauthored.