ENGROSSED SENATE AMENDMENTS
TO
ENGROSSED HOUSE
BILL NO. 2523 By: Martin (Steve) of the House

and

Coates of the Senate

An Act relating to game and fish; amending 29 O.S. 2011, Section 4-110, which relates to fishing licenses; creating a one-day nonresident fishing license; establishing fee for the license; and providing for deposit of certain portion of fee in certain funds.

AMENDMENT NO. 1. Page 5, line 18 1/2, by inserting a new paragraph:

"4. Three-day fishing license for nonresidents - Twenty-five Dollars ($25.00)."

AMENDMENT NO. 2. Page 5, line 20, before the word "subsection" delete all new language and strike the language "paragraphs 1 and 2".

AMENDMENT NO. 3. Page 5, line 24, after the word "day" and before the word "fishing" insert the language "or the three-day".

AMENDMENT NO. 4. Page 6, line 3, after the word "of" and before the word "subsection", delete all new language and strike the language "paragraphs 1 and 2".

AMENDMENT NO. 5. By amending the title to conform as follows:

"An Act relating to game and fish; amending 29 O.S. 2011, Section 4-110, which relates to fishing licenses; creating a one-day and three-day nonresident fishing license; establishing fees for

the licenses; and providing for deposit of certain portion of fees in certain funds."

Passed the Senate the 5th day of April, 2012.

_____
Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2012.

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Presiding Officer of the House of Representatives

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An Act relating to game and fish; amending 29 O.S. 2011, Section 4-110, which relates to fishing licenses; creating a one-day nonresident fishing license; establishing fee for the license; and providing for deposit of certain portion of fee in certain funds.

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

SECTION 1. AMENDATORY 29 O.S. 2011, 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.

B. The following legal residents of Oklahoma shall be exempt from the annual fishing license requirements of subsection C of this section and the following nonresidents shall be exempt from the annual nonresident fishing licenses required pursuant to subsection E of this section:

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

2. Legal residents sixty-five (65) years of age or older and nonresidents sixty-five (65) years of age or older from states which do not require nonresident fishing licenses for persons sixty-five (65) years of age or older, provided a legal resident has obtained a senior citizen lifetime fishing or combination hunting and fishing license pursuant to the provisions of Section 4-114 of this title;

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

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

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

6. Any legal resident or nonresident who is a patient of an institution of the State of Oklahoma established for the care and treatment of mental illness or alcohol or drug dependency or any

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

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

8. Any legal resident or nonresident under eighteen (18) years of age who is in the physical custody of a child care facility as defined by Section 402 of Title 10 of the Oklahoma Statutes;

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

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

11. Any legal resident or nonresident who is a Job Corps trainee of this state, provided that the trainees shall have on their persons a duly authorized identification card issued by their respective Job Corps Center and shall present the card upon request, in lieu of a fishing license. The trainees shall return their cards

to their respective Job Corps Center when the trainees leave their respective Job Corps training programs;

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

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

14. Any legal resident or nonresident participating in an aquatic education event or clinic sanctioned by the Department of Wildlife Conservation.

C. Except as otherwise provided for in the Oklahoma Wildlife Conservation Code, the resident fishing licenses issued pursuant to the provisions of this section and the fee for each shall be:

1. Annual fishing license for legal residents eighteen (18) years of age and older - Twenty-four Dollars ($24.00);

2. Annual fishing license for legal residents sixteen (16) or seventeen (17) years of age - Four Dollars ($4.00); and

3. Two-day fishing license for legal residents - Fourteen Dollars ($14.00).

D. Of the fees collected pursuant to the provisions of paragraphs 1 and 3 of subsection C of this section, Five Dollars ($5.00) of the license fee shall be for the Oklahoma Wildlife Land Stamp and shall be deposited in the Oklahoma Wildlife Land Fund created pursuant to the provisions of Section 4-141 of this title.

E. Except as otherwise provided for in the Oklahoma Wildlife Conservation Code, the nonresident fishing licenses issued pursuant to the provisions of this section and the fee for each shall be:

1. Annual fishing license for nonresidents - Fifty-four Dollars ($54.00), provided the Commission may enter into reciprocity agreements with states wherein nonresident license fees shall be in conformity with such reciprocal agreements; ~~and~~

2. Six-day fishing license for nonresidents – Thirty-four Dollars ($34.00); and

3. One-day fishing license for nonresidents - Fourteen Dollars ($14.00).

F. Of the fees collected pursuant to the provisions of paragraphs 1 ~~and~~, 2 and 3 of subsection E of this section, Five Dollars ($5.00) of the annual license fee for nonresidents, ~~and~~ One Dollar and fifty cents ($1.50) of the six-day fishing license for nonresidents fee and One Dollar and fifty cents ($1.50) of the one-day fishing license for nonresidents fee shall be deposited in the

Wildlife Land Acquisition Fund created pursuant to the provisions of Section 4-132 of this title. Of the fees collected pursuant to the provisions of paragraphs 1 ~~and~~, 2 and 3 of subsection E of this section, Five Dollars ($5.00) of the license fee shall be for the Oklahoma Wildlife Land Stamp and shall be deposited in the Oklahoma Wildlife Land Fund created pursuant to the provisions of Section 4-141 of this title.

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

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

a. for legal residents, Fifty Dollars ($50.00), and

b. for nonresidents, Ninety Dollars ($90.00).

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

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

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

K. Any person producing proof in court that a current fishing license issued by the Department of Wildlife Conservation to that person was in force at the time of the alleged offense shall be entitled to dismissal of a charge of violating this section upon payment of court costs. If proof of a current fishing license

issued by the Department to the person that was in force at the time of the alleged offense is presented to the court or district attorney within seventy-two (72) hours after the violation, the charge shall be dismissed without payment of court costs.

Passed the House of Representatives the 5th day of March, 2012.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2012.

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Presiding Officer of the Senate