SENATE FLOOR VERSION
February 22, 2011
As Amended

SENATE BILL NO. 94 By: Ballenger of the Senate

and

Shoemake of the House

[fishing and hunting licenses - combination lifetime fishing and hunting licenses - 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 3, Chapter 317, O.S.L. 2010 (29 O.S. Supp. 2010, 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; and

15. Any legal resident who as a firefighter or law enforcement officer suffered a disability in the line of duty of sixty percent (60%) or more.

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).

F. Of the fees collected pursuant to the provisions of paragraphs 1 and 2 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 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 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~~ such 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.

SECTION 2. AMENDATORY 29 O.S. 2001, Section 4-112, as last amended by Section 4, Chapter 317, O.S.L. 2010 (29 O.S. Supp. 2010, 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 procuring a hunting license pursuant to the provisions of this section.

B. The following legal residents of Oklahoma shall be exempt from the annual hunting license requirement of paragraph 1 of subsection E of this section and the following nonresidents shall be exempt from the annual nonresident hunting licenses required pursuant to paragraph 1 of subsection C of this section:

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

2. Legal residents sixty-five (65) years of age or older provided they have obtained a senior citizen lifetime hunting 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 who hunt on land owned or leased by them;

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

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

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; ~~and~~

9. Any legal resident or nonresident hunting, pursuing, trapping, harassing, catching, killing, taking, or attempting to take in any manner any species of rattlesnake during an organized rattlesnake-hunting event or festival and who has a rattlesnake permit issued pursuant to Section 4-143 of this title; and

10. Any legal resident who as a firefighter or law enforcement officer suffered a disability in the line of duty of sixty percent (60%) or more.

C. Except as otherwise provided for in the Oklahoma Wildlife Conservation Code, the nonresident hunting licenses issued pursuant to this section and the fee for each license shall be:

1. Annual hunting license for nonresidents hunting game other than deer, antelope, elk or bear which expires on December 31 of the year purchased – One Hundred Forty-one Dollars ($141.00). Nonresidents hunting big game or combination big game and upland game in a commercial hunting area shall be required to have this license;

2. Annual hunting license for nonresidents hunting game other than deer, antelope, elk or bear which expires on June 30 of the fiscal year purchased – One Hundred Seventy-five Dollars ($175.00). Nonresidents hunting big game or combination big game and upland game in a commercial hunting area shall be required to have this license;

3. Gun hunting license for deer for nonresidents which shall be valid for hunting all deer allowed during the current calendar year deer gun season – Two Hundred Seventy-nine Dollars ($279.00);

4. Archery hunting license for deer for nonresidents which shall be valid for hunting all deer allowed during the current

calendar year deer archery season – Two Hundred Seventy-nine Dollars ($279.00);

5. Primitive firearms hunting license for deer for nonresidents which shall be valid for hunting all deer allowed during the current calendar year deer primitive firearms season – Two Hundred Seventy-nine Dollars ($279.00);

6. Hunting license for antelope for nonresidents – Three Hundred Five Dollars ($305.00);

7. Hunting license for elk for nonresidents – Three Hundred Five Dollars ($305.00);

8. Five-day hunting license for nonresidents hunting game other than deer, antelope, elk, turkey or bear – Seventy-four Dollars ($74.00); and

9. Ten-day hunting license for nonresidents hunting small game in a commercial hunting area – Five Dollars ($5.00).

D. Of the fees collected pursuant to the provisions of subsection C of this section:

1. Five Dollars ($5.00) of the license fee of each license issued pursuant to paragraphs 1 through 7 of subsection C of this section and Two Dollars and fifty cents ($2.50) of the license fee for each license issued pursuant to paragraph 8 of subsection C of this section shall be deposited in the Wildlife Land Acquisition Fund created pursuant to the provisions of Section 4-132 of this title; and

2. Five Dollars ($5.00) of the license fee for each license issued pursuant to paragraphs 1 through 8 of subsection C of this section 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, the resident hunting licenses issued pursuant to this section and the fee for each license shall be:

1. Annual hunting license for residents eighteen (18) years of age and older which expires on December 31 of the year purchased - Twenty-four Dollars ($24.00);

2. Annual hunting license for residents eighteen (18) years of age and older which expires on June 30 of the fiscal year purchased – Thirty-one Dollars ($31.00);

3. Annual hunting license for residents sixteen (16) or seventeen (17) years of age which expires on December 31 of the year purchased - Four Dollars ($4.00);

4. Annual hunting license for residents sixteen (16) or seventeen (17) years of age which expires on June 30 of the fiscal year purchased – Six Dollars ($6.00);

5. Ten-day hunting license for residents for small game in a commercial hunting area - Five Dollars ($5.00);

6. Five-year disability hunting license for residents of this state for at least six (6) months who are receiving Social Security

Disability benefits, Supplemental Security Income benefits or disability benefits under the Railroad Retirement Act, 45 U.S.C.A., Section 231a, or residents who are one-hundred-percent disabled and are receiving disability payments from the Multiple Injury Trust Fund pursuant to Section 173 of Title 85 of the Oklahoma Statutes - Ten Dollars ($10.00);

7. Gun hunting license for deer for residents eighteen (18) years of age or older - Nineteen Dollars ($19.00). The following persons shall be exempt:

a. residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in receipt of compensation at the one-hundred-percent rate, and

b. residents hunting in big game or combination big game and upland game commercial hunting areas;

8. Gun hunting license for deer for residents under eighteen (18) years of age – Nine Dollars ($9.00);

9. Archery hunting license for deer for residents eighteen (18) years of age or older - Nineteen Dollars ($19.00). The following persons shall be exempt:

a. residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled

veteran in receipt of compensation at the one-hundred-percent rate, and

b. residents hunting in big game or combination big game and upland game commercial hunting areas;

10. Archery hunting license for deer for residents under eighteen (18) years of age - Nine Dollars ($9.00);

11. Primitive firearms hunting license for deer for residents eighteen (18) years of age or older - Nineteen Dollars ($19.00). The following persons shall be exempt:

a. residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in receipt of compensation at the one-hundred-percent rate, and

b. residents hunting in big game or combination big game and upland game commercial hunting areas;

12. Primitive firearms hunting license for deer for residents under eighteen (18) years of age - Nine Dollars ($9.00);

13. Hunting license for elk for residents - Fifty Dollars ($50.00). Residents hunting in big game or combination big game and upland game commercial hunting areas shall be exempt from this license;

14. Hunting license for antelope for residents – Fifty Dollars ($50.00). Residents hunting in big game or combination big game and

upland game commercial hunting areas shall be exempt from this license; and

15. Bonus, special or additional gun hunting license for deer for residents - Nineteen Dollars ($19.00). The following persons shall be exempt:

a. residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in receipt of compensation at the one-hundred-percent rate, and

b. residents hunting in big game or combination big game and upland game commercial hunting areas.

F. Of the fees collected pursuant to the provisions of paragraphs 1 and 2 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. The provisions of this section shall not be construed to require a hunting license, resident or nonresident, of any person merely because the person participates, as owner or handler of an entry, as an official, or as a spectator in the conduct of a field trial or performance test of dogs, whether a resident or nonresident of the State of Oklahoma. No license to hunt shall be required of any person engaged in training or working dogs, provided that person

is in no way engaged in hunting and does not take or attempt to take in any manner any game.

H. 1. Any person arrested for hunting game other than deer, antelope, elk, bear or turkey without a valid hunting license as required by the provisions of subsection A of this section may purchase a substitute temporary thirty-day license from the arresting game warden in lieu of posting bond. Proof of hunter safety certification will not be required for the temporary substitute license. 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, One Hundred Forty-five Dollars ($145.00).

2. Except as otherwise provided for 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. Any person producing proof in court that a current hunting 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 hunting 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.

J. Unless a substitute license is purchased as provided for by subsection H of this section, any resident 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.

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

SECTION 3. AMENDATORY 29 O.S. 2001, Section 4-114, as last amended by Section 6, Chapter 317, O.S.L. 2010 (29 O.S. Supp. 2010, Section 4-114), is amended to read as follows:

Section 4-114. A. All legal residents who have resided in the state for at least six (6) months may purchase lifetime fishing licenses, lifetime hunting licenses or lifetime combination hunting and fishing licenses from the State Wildlife Conservation Director.

B. The fee for these licenses shall be:

1. Lifetime fishing license, Two Hundred Dollars ($200.00);

2. Lifetime hunting license, Six Hundred Dollars ($600.00);

3. Lifetime combination hunting and fishing license, Seven Hundred Fifty Dollars ($750.00);

4. Senior citizen lifetime hunting license for persons sixty-five (65) years of age or older, Fifteen Dollars ($15.00);

5. Senior citizen lifetime fishing license for persons sixty-five (65) years of age or older, Fifteen Dollars ($15.00); and

6. Senior citizen lifetime combination hunting and fishing license for persons sixty-five (65) years of age or older, Twenty-five Dollars ($25.00).

C. ~~Legal~~ A legal resident having proper certification from the United States Department of Veterans Affairs or its successor certifying that the person is a disabled veteran may purchase a disability lifetime combination hunting and fishing license from the State Wildlife Conservation Director. The fees for the license shall be as follows:

1. Two Hundred Dollars ($200.00) for veterans having a disability of less than sixty percent (60%); and

2. Twenty-five Dollars ($25.00) for veterans having a disability of sixty percent (60%) or more.

D. A legal resident having proper certification that the person is a firefighter or law enforcement officer with a disability of sixty percent (60%) or more may purchase a disability lifetime combination hunting and fishing license from the State Wildlife

Conservation Director for a fee of Three Hundred Twenty-five Dollars ($325.00).

E. The use of the licenses provided in this section are subject to those restrictions provided by statute and the regulations of the Wildlife Conservation Commission. Except as otherwise provided for in this section, each lifetime hunting license issued pursuant to subsections B and C of this section shall be in lieu of all annual hunting licenses and all special season permits.

~~E.~~ F. Should any lifetime license be lost or destroyed, a duplicate will be issued by the Department of Wildlife Conservation for a fee of Ten Dollars ($10.00).

~~F.~~ G. A lifetime licensee shall not lose the privileges of such license by a subsequent transfer of residency.

~~G.~~ H. 1. In addition to the fees imposed pursuant to paragraphs 1 through 3 of subsection B of this section, a person purchasing a lifetime fishing, hunting or combination license, excluding a senior citizen lifetime hunting, fishing or combination hunting and fishing license issued pursuant to paragraphs 4 through 6 of subsection B of this section and a disability lifetime combination hunting and fishing license issued pursuant to subsection C of this section, shall be required to purchase a Lifetime Oklahoma Wildlife Land Stamp. Each person shall have the stamp in their possession while hunting, fishing, or taking any wildlife. The fee for the Lifetime Oklahoma Wildlife Land Stamp

shall be Twenty-five Dollars ($25.00). The fee for the stamp shall be distributed as follows:

a. Twenty Dollars ($20.00) from each stamp shall be deposited in the Oklahoma Wildlife Land Fund, created in Section 4-141 of this title, to be used to retire the obligations and related expenses as authorized pursuant to Section 168.9 of Title 73 of the Oklahoma Statutes or to purchase, lease, or purchase easements on real property to be used as public hunting, fishing, and trapping areas, and

b. Five Dollars ($5.00) from each stamp shall be deposited in the Oklahoma Wildlife Land Fund, created in Section 4-141 of this title, to be used by the Commission for management of the real property acquired pursuant to Section 168.9 of Title 73 of the Oklahoma Statutes or acquired with proceeds from the Oklahoma Wildlife Land Stamp fee.

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

3. Within one (1) year of the final retirement, redemption, or defeasance of the obligations created pursuant to Section 168.9 of Title 73 of the Oklahoma Statutes, the Lifetime Oklahoma Wildlife

Land Stamp and Lifetime Oklahoma Wildlife Land Stamp fee requirements provided for in this subsection shall terminate.

~~H.~~ I. A person who is sixty-four (64) years of age shall be eligible to purchase a senior citizen lifetime license issued pursuant to paragraphs 4 through 6 of subsection B of this section during the calendar year in which the person turns sixty-five (65) years of age.

~~I.~~ J. The fee for a lifetime fishing license, a lifetime hunting license, or a lifetime combination hunting and fishing license issued pursuant to paragraphs 1 through 3 of subsection B of this section for a legal resident under eighteen (18) years of age may be paid for by installments not to exceed a three-year period of time and in a manner determined by the Director. The lifetime license shall not be issued and become valid until full payment is received by the Department of Wildlife Conservation. If the entire amount of the license fee is not received within three (3) years from the date the application for installment payments is submitted to the Department, all funds received shall be forfeited and shall not be refunded.

SECTION 4. This act shall become effective November 1, 2011.

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