

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2282

By: Glenn

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5  
6 AS INTRODUCED

7 An Act relating to game and fish; amending 29 O.S.  
8 2001, Section 4-110, which relates to fishing  
9 licenses; adding an exemption for persons possessing  
10 a paddlefish permit; allowing residents and  
11 nonresidents to purchase a three-day paddlefish  
12 permit without a fishing license; setting fee for the  
13 permit; requiring certain portion of the permit fees  
14 to be deposited in the Oklahoma Wildlife Land Fund;  
15 allowing persons with a fishing license to fish for  
16 paddlefish without the permit; providing for  
17 codification; and declaring an emergency.

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

19 SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-110, is  
20 amended to read as follows:

21 Section 4-110. A. Except as otherwise provided in the Oklahoma  
22 Wildlife Conservation Code, no person shall fish, pursue, harass,  
23 catch, kill, take in any manner, use, have in possession, sell, or  
24 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. The following legal residents of Oklahoma shall be exempt  
4 from the annual fishing license requirements of subsection C of this  
5 section and the following nonresidents shall be exempt from the  
6 annual nonresident fishing licenses required pursuant to subsection  
7 E of this section:

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

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

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

19 4. Legal resident veterans having a disability of sixty percent  
20 (60%) or more;

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

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

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

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

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

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

23           11. Any legal resident or nonresident who is a Job Corps  
24 trainee of this state, provided that the trainees shall have on

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

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

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

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

20 15. Any legal resident or nonresident fishing, pursuing,  
21 catching, killing, taking, or attempting to take in any manner,  
22 possessing or transporting paddlefish and who has a valid paddlefish  
23 permit issued pursuant to Section 2 of this act.

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

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

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

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

10 D. Of the fees collected pursuant to the provisions of  
11 paragraphs 1 and 3 of subsection C of this section, Five Dollars  
12 (\$5.00) of the license fee shall be for the Oklahoma Wildlife Land  
13 Stamp and shall be deposited in the Oklahoma Wildlife Land Fund  
14 created pursuant to the provisions of Section 4-141 of this title.

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

18 1. Annual fishing license for nonresidents - Fifty-four Dollars  
19 (\$54.00), provided the Commission may enter into reciprocity  
20 agreements with states wherein nonresident license fees shall be in  
21 conformity with such reciprocal agreements; and

22 2. Six-day fishing license for nonresidents - Thirty-four  
23 Dollars (\$34.00).

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1 F. Of the fees collected pursuant to the provisions of  
2 paragraphs 1 and 2 of subsection E of this section, Five Dollars  
3 (\$5.00) of the annual license fee for nonresidents, and One Dollar  
4 and fifty cents (\$1.50) of the six-day fishing license for  
5 nonresidents fee shall be deposited in the Wildlife Land Acquisition  
6 Fund created pursuant to the provisions of Section 4-132 of this  
7 title. Of the fees collected pursuant to the provisions of  
8 paragraphs 1 and 2 of subsection E of this section, Five Dollars  
9 (\$5.00) of the license fee shall be for the Oklahoma Wildlife Land  
10 Stamp and shall be deposited in the Oklahoma Wildlife Land Fund  
11 created pursuant to the provisions of Section 4-141 of this title.

12 G. Legal residents who have resided in this state for at least  
13 six (6) months and who are receiving Social Security Disability  
14 benefits, Supplemental Security Income benefits, disability benefits  
15 under the Railroad Retirement Act, 45 U.S.C.A., Section 231a,  
16 postal employees receiving disability benefits pursuant to 5,  
17 U.S.C., Section 8451 (1998) or legal residents who are one hundred  
18 percent (100%) disabled and are receiving disability payments from  
19 the Multiple Injury Trust Fund pursuant to Section ~~173~~ 403 of Title  
20 85 of the Oklahoma Statutes, may purchase a disability fishing  
21 license from the Director for Ten Dollars (\$10.00) for five (5)  
22 years.

23 H. 1. Any person arrested while violating the provisions of  
24 this section who does not meet the requirements of subsection K of

1 this section, may purchase a substitute temporary thirty-day license  
2 from the arresting game warden in lieu of posting bond. The fee for  
3 a substitute license purchased pursuant to the provisions of this  
4 subsection shall be:

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

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

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

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

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

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

10 SECTION 2. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 4-145 of Title 29, unless there  
12 is created a duplication in numbering, reads as follows:

13 A. All legal residents and nonresidents may purchase a three-  
14 day paddlefish permit from the Director or an agent of the Director  
15 which shall allow the person to fish, pursue, catch, kill, take, or  
16 attempt to take in any manner, possess or transport paddlefish  
17 without obtaining a fishing license issued pursuant to Section 4-110  
18 of Title 29 of the Oklahoma Statutes.

19 B. The fee for the three-day paddlefish permit shall be Twenty-  
20 five Dollars (\$25.00).

21 C. Of the fees collected pursuant to the provisions of this  
22 section, Five Dollars (\$5.00) of the permit fee shall be for the  
23 Oklahoma Wildlife Land Stamp and shall be deposited in the Oklahoma  
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1 Wildlife Land Fund created pursuant to Section 4-141 of Title 29 of  
2 the Oklahoma Statutes.

3 D. Any person with a fishing license issued pursuant to Section  
4 4-110 of Title 29 of the Oklahoma Statutes may fish for paddlefish  
5 without acquiring a paddlefish permit issued pursuant to this  
6 section.

7 SECTION 3. It being immediately necessary for the preservation  
8 of the public peace, health and safety, an emergency is hereby  
9 declared to exist, by reason whereof this act shall take effect and  
10 be in full force from and after its passage and approval.

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