

1 **SENATE FLOOR VERSION**

2 March 26, 2013

3 ENGROSSED HOUSE
4 BILL NO. 1244

By: Martin (Steve) and Sherrer
of the House

5 and

6 Brown of the Senate

7
8
9 An Act relating to game and fish; amending 29 O.S.
10 2011, Section 4-110, which relates to fishing
11 licenses; creating a one-day nonresident fishing
12 license; establishing fee for the license; providing
13 for deposit of certain portion of fee in certain
14 funds; updating statutory citation; prohibiting
15 persons from capturing nuisance wildlife for
16 commercial purposes without a nuisance wildlife
17 control operator permit; requiring completion of the
18 nuisance wildlife control operator certification
19 examination; exempting certain persons from permit
20 and testing requirements; setting the annual fee for
21 the permit; providing penalty for violations;
22 authorizing revocation of permit for violations;
23 providing for codification; and providing an
24 effective date.

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

1 transport all or any portion of fish without having first procured a
2 license for such from the Director or from any of the authorized
3 agents of the Department of Wildlife Conservation. The Wildlife
4 Conservation Commission may designate two (2) days per year in which
5 residents and nonresidents may fish without first procuring a
6 fishing license pursuant to the provisions of this section.

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

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

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

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

23 4. Legal resident veterans having a disability of sixty percent
24 (60%) or more;

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

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

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

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

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

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

2 11. Any legal resident or nonresident who is a Job Corps
3 trainee of this state, provided that the trainees shall have on
4 their persons a duly authorized identification card issued by their
5 respective Job Corps Center and shall present the card upon request,
6 in lieu of a fishing license. The trainees shall return their cards
7 to their respective Job Corps Center when the trainees leave their
8 respective Job Corps training programs;

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

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

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

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); and

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1 3. One-day fishing license for nonresidents - Fourteen Dollars
2 (\$14.00).

3 F. Of the fees collected pursuant to the provisions of
4 paragraphs 1 ~~and~~, 2 and 3 of subsection E of this section, Five
5 Dollars (\$5.00) of the annual license fee for nonresidents, ~~and~~ One
6 Dollar and fifty cents (\$1.50) of the six-day fishing license for
7 nonresidents fee and One Dollar and fifty cents (\$1.50) of the one-
8 day fishing license for nonresidents fee shall be deposited in the
9 Wildlife Land Acquisition Fund created pursuant to the provisions of
10 Section 4-132 of this title. Of the fees collected pursuant to the
11 provisions of paragraphs 1 ~~and~~, 2 and 3 of subsection E of this
12 section, Five Dollars (\$5.00) of the license fee shall be for the
13 Oklahoma Wildlife Land Stamp and shall be deposited in the Oklahoma
14 Wildlife Land Fund created pursuant to the provisions of Section 4-
15 141 of this title.

16 G. Legal residents who have resided in this state for at least
17 six (6) months and who are receiving Social Security Disability
18 benefits, Supplemental Security Income benefits, disability benefits
19 under the Railroad Retirement Act, 45 U.S.C.A., Section 231a,
20 postal employees receiving disability benefits pursuant to 5,
21 U.S.C., Section 8451 (1998) or legal residents who are one hundred
22 percent (100%) disabled and are receiving disability payments from
23 the Multiple Injury Trust Fund pursuant to Section ~~173~~ 403 of Title
24 85 of the Oklahoma Statutes, may purchase a disability fishing

1 license from the Director for Ten Dollars (\$10.00) for five (5)
2 years.

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

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

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

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

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

23 J. Unless a substitute license is purchased as provided for by
24 subsection H of this section, any nonresident convicted of violating

1 this section shall be punished by a fine of not less than Fifty
2 Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) or by
3 imprisonment in the county jail for a period not more than thirty
4 (30) days, or by both such fine and imprisonment.

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

14 SECTION 2. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 4-135.1 of Title 29, unless
16 there is created a duplication in numbering, reads as follows:

17 A. Except as otherwise provided in this title, no person shall
18 trap, capture, possess, transport, relocate or euthanize any
19 nuisance wildlife for commercial purposes under rules promulgated by
20 the Oklahoma Wildlife Conservation Commission without first
21 procuring a nuisance wildlife control operator permit from the
22 Director of Wildlife Conservation.

23 B. A nuisance wildlife control operator permit may be issued
24 only to those persons who have successfully completed the nuisance

1 wildlife control operator certification examination provided by the
2 Department of Wildlife Conservation.

3 C. Employees of any federal, state, county or local
4 governmental entity designated to control nuisance wildlife while on
5 duty shall be exempt from the nuisance wildlife control operator
6 permit and testing requirements set forth in this section.

7 D. The annual fee for the nuisance wildlife control operator
8 permit shall be Seventy-five Dollars (\$75.00).

9 E. Any person convicted of violating the provisions of this
10 section shall be guilty of a misdemeanor punishable by a fine of not
11 less than One Hundred Dollars (\$100.00) nor more than Two Hundred
12 Dollars (\$200.00) for residents and not less than Five Hundred
13 Dollars (\$500.00) for nonresidents.

14 F. Any person convicted of violating the provisions of this
15 section may have their nuisance wildlife control operator permit
16 revoked for a period of up to three (3) years or permanently revoked
17 as deemed appropriate by the Director.

18 SECTION 3. This act shall become effective November 1, 2013.

19 COMMITTEE REPORT BY: COMMITTEE ON TOURISM AND WILDLIFE
20 March 26, 2013 - DO PASS

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