

# 2001 Legislative Session

## **New Laws passed by the Legislature and signed by the Governor 2001**

House Bill 1262 by Dale Smith of the House and Frank Shurden of the Senate. Adds the Oklahoma Department of Wildlife Conservation to the state's Geographic Information System Council.

House Bill 1375 by Bob Plunk of the House and Frank Shurden of the Senate. Passed House; amended and passed Senate; bill went to a Conference Committee. The conference committee substitute is not a new section of law, but amends Section 2 of Article V; requiring that initiative petitions proposing a legislative measure to abolish any method, practice or procedure for hunting, fishing or trapping, or to abolish any occupation or sporting or other entertainment event involving livestock, fowl, fish or other animal contain signatures of 15 percent of registered voters. Scheduled for vote in Nov. 2002.

Senate Bill 550 by Ted Fisher and Mike Tyler of the House. Non codified. Requires the Department of Wildlife Conservation to immediately develop rule making proposals designed to increase an applicant's opportunity to be awarded a controlled hunt permit. Requiring the Department of Wildlife Conservation to hold five public hearings at five diverse locations and to notify the chairs of the Senate and House Wildlife Committees at least 30 days prior to any such public hearing.

Senate Bill 477 by Frank Shurden and Dale Smith of the House. Requiring the Wildlife Conservation Commission to promulgate rules to sell hunting and fishing licenses via the Internet.

Senate Bill 480 by Frank Shurden and Dale Smith of the House. In addition to any other fees authorized by law, the Department of Wildlife Conservation is authorized to impose a processing fee of not more than \$5 per person, per calendar year for controlled hunts applications.

## **Bills that died during the 2001 Legislative Session**

Senate Bill 86 by Robert Milacek of the Senate and James Covey of the House. Bill allows posting against trespassers by placing purple paint marks on trees or posts on property, provided the marks are vertical lines at least one inch in width and eight inches in length, placed so that the bottom of the mark is three feet to five feet from the ground and placed

at locations that are readily visible to any person approaching the property and no more than 1,000 feet apart on land other than forest or 100 feet apart on forest land. Requires that such marks be accompanied by signs placed conspicuously and at all places where entry to the property is normally expected explaining that the purple strips mean no trespassing, property restricted or similar explanation. Specifies that no sign shall be required to explain the purple posting beginning July 1, 2003. Passed Senate 38-0, but died when the House Wildlife Committee failed to act on the bill by the deadline for reporting bills from the committee in the opposite house of origin.

Senate Bill 127 by Sam Helton. Increase trespassing fined to a maximum of \$1,000; allows any law enforcement officer to make arrests for trespassing. Bill dead- not acted on by the Senate Appropriations Committee by the deadline for reporting bills from committee in the house of origin.

Senate Bill 473 by Frank Shurden. Allows the Wildlife Conservation Commission to create a Blue River Wildlife Management Area Access Permit. Requires anyone using the Blue River WMA either possess a valid hunting or fishing license or purchase a Blue River WMA Access Permit. Bill dead- not acted on by the Senate Energy, Environmental Resources and Regulatory Affairs Committee by the deadline for reporting bills from committee in the house of origin.

Senate Bill 475 by Frank Shurden and Dale Smith of the House. Authorizes the Wildlife Conservation Commission to establish a special use permit for privately owned land leased by the Department in tracts less than 4,000 acres. Bill would be effective immediately. Passed Senate 45-1; amended and passed the House Administrative Rule Review Committee. Amended to specify that the permit not exceed \$100. Bill failed to pass House on a 44-49 vote, reconsidered and returned to House Administrative Rule Review. (Bill is now inactive for the remainder of this session, but could be brought back next session.)

Senate Bill 478 by Frank Shurden and Dale Smith of the House. Beginning Jan. 1, 2002, permits the Wildlife Conservation Commission to increase license fees annually adjust for inflation in an amount not to exceed that year's change in the Consumer Price Index or five percent, whichever is greater. Effective date would be Nov. 1, 2001. The Senate Wildlife Committee struck title and amended to provide for increases equal to the change in the Consumer Price Index or five percent, whichever is less. Laid over on Senate General Order; fails to be acted on by the Senate.

Senate Bill 848 by Frank Shurden. Authorizes the Wildlife Conservation Commission to create an urban fishing license which would act as both a state fishing license and municipal access license. Also authorizes the Commission to enter into agreements with

municipalities to issue urban fishing licenses. Laid over in the Senate Wildlife Committee (bill dead for this session; could be activated during next year's legislative session).

Senate Bill 683 by Rich Littlefield of the Senate and Joe Hutchinson of the House. Prohibits the discharge of firearms within 300 yards of a wildlife sanctuary where a licensed noncommercial wildlife breeder is caring for or rehabilitating sick or injured wildlife. Bill dead for this session; could be activated during next year's legislative session.

Senate Joint Resolution 9 by Frank Shurden and M.C. Leist of the House. Calls for a vote of the people to establish a one-and-half cent sales tax increase on certain hunting, fishing and wildlife watching equipment sales with the proceeds going to the Oklahoma Department of Wildlife Conservation to improve the state's wildlife resources. Amended by striking title and passed by the Senate Appropriations Committee: Passed Senate 25-17; but died when the House Revenue and Taxation Committee failed to act on the bill by the deadline for reporting bills from the committee in the opposite house of origin.

Senate Joint Resolution 12 by Frank Shurden of the Senate and M.C. Leist of the House. Calls for a vote of the people to establish a constitutional amendment providing citizens the inherent right to pursue occupations and engage in hunting, fishing and other sporting events which involve livestock, fowl, fish and other animals, domestic or not, free of laws and regulations which explicitly or implicitly effectively curtail the ability of citizens to pursue such occupations or engage in such sporting events. Would give the Wildlife Conservation Commission and the State Department of Agriculture the power and authority to approve methods, practices and procedures for hunting, trapping, fishing and the taking of game and fish. Specifies that no method, practice or procedure which is lawful on the effective date of the adoption of this amendment shall ever be disapproved by the Wildlife Conservation Commission or the State Department of Agriculture. Passed Senate 28-12, but died when the House Rules Committee failed to act on the bill by the deadline for reporting bills from the committee in the opposite house of origin.

Senate Joint Resolution 16 Stratton Taylor. Specifies that no laws shall be enacted that limit the privilege or properly licensed citizens to hunt and fish in this state; provided, however, all hunting and fishing shall be in accordance with rules promulgated by the Oklahoma Wildlife Conservation Commission. Bill dead - not acted on by the Senate Wildlife Committee by the deadline for reporting bills from committee in the house of origin.

House Bill 1039 by John Wright of the House and Frank Shurden of the Senate. Makes hunting and fishing licenses good for twelve (12) months after the date of issuance, rather than expiring Dec. 31. Bill would be effective Nov. 1, 2001. Passed from the House Wildlife

Committee; House reconsiders vote whereby bill failed previously, bill returned to General Order, Amended but fails to pass House 48-49.

House Bill 1093 by Jim Reese. Allows the use of photography to identify a person who trespasses to hunt and increase fines to not less than \$75 nor more than \$250. Bill dead - not acted on by the House Wildlife Committee by the deadline for reporting bills from committee in the house of origin.

House Bill 1261 by Dale Smith of the House and Frank Shurden of the Senate. Authorizing the Wildlife Conservation Commission to adjust fees for hunting and fishing licenses, beginning Jan. 1, 2002, to annually adjust the fees in an amount not to exceed either that year's change in the Consumer Price Index or 5 percent, whichever amount is greater. Bill would be effective Nov. 1, 2001. Passed from the House Administrative Rule Review Committee; Failed to be acted on by the full House.

House Bill 1265 by Dale Smith of the House and Frank Shurden of the Senate. Authorizes the Wildlife Conservation Commission to establish a special use permit to be designated the Blue River Conservation Passport; authorizes the Commission to assess an annual fee not more than \$1 above the cost of an annual resident fishing license for the passport; requires persons utilizing the Blue River public fishing and hunting area to carry such a passport while in the area; provides exemptions for school activities and any other organized event sanctioned in advance by the Oklahoma Department of Wildlife Conservation. Also exempts those 17 and under. Bill would be effective immediately. Passed House and Senate; vetoed by Governor.

House Bill 1402 by Randall Ewin. Requires a two-thirds super-majority vote by the Legislature to enact any future laws restricting the privileges of hunting and fishing within the limits of the laws and rules set by the Oklahoma Wildlife Conservation Commission. Bill dead - not acted on by the House Rules Committee by the deadline for reporting bills from committee in the house of origin.

House Bill 1428 by Purcy Walker and David Braddock of the House and Gilmer Capps of the Senate. Increases maximum fine for trespass to \$1,000. Bill would be effective Nov. 1, 2001. Passed the House 81-15. Amended and passed from the Senate Wildlife Committee; amended by striking title; reducing fines to \$500 maximum and adding language pertaining to retrieving sporting dogs and retrieving wounded or downed game. Now awaiting action by full Senate.

House Bill 1263 by Dale Smith of the House and Frank Shurden of the Senate. Authorizes the Wildlife Conservation Commission to create an urban fishing license which would act as both a state fishing license and municipal access license. Also authorizes the Commission to

enter into agreements with municipalities to issue urban fishing licenses. Bill would be effective immediately. House Wildlife Committee substitute specifies the Commission may enter agreements with cities larger than 400,000 which currently charge a municipal fishing fee. The agreement shall be for up to three years with the Commission evaluating the pilot program at that time. Committee substitute passed from the House Wildlife Committee; Returned to House Wildlife Committee. (Bill no longer active this session; could be considered next year.)

House Bill 1813 by Kevin Calvey. provides that nonresident active duty military personnel who are stationed at an Oklahoma Military base are considered residents for the purposes of buying hunting and fishing licenses. Bill dead- not acted on by the House rules Committee by the deadline for reporting bills from committee in the house of origin.

House Bill 1880 by Joe Sweeden. Limits landowner liability when allowing recreational activities to occur on his or her land. Bill dead- not acted on by the House Judiciary Committee by the deadline for reporting bills from committee in the house of origin.

House Bill 1190 Pope (Clay)/Henry -- 2 O.S. Supp. 2000, Section 1301-315; 76 O.S. 1991, Sections 10, 14 -- Providing that language limiting liability of agricultural landowners for recreational activity shall not apply to any land unless it is used primarily for farming or ranching activities, and to certain property attached to such land; removing liability for injuries suffered in any case where the landowner charges for certain uses of land; effective date Nov. 1, 2001. -- Senate Granted Conference, Named Conferees: Henry, Shurden, Coffee. Conference committee substitute does not deal with outdoor recreation.