ENGROSSED SENATE
BILL NO. 715

BY: SHURDEN of the SENATE

and

SMITH (Bill) of the HOUSE

AN ACT RELATING TO WILDLIFE LICENSES, PERMITS AND STAMPS; AMENDING 29 O.S. 1991, SECTIONS 4-106, 4-107, 4-114, 4-121, 4-129, AND 4-130, WHICH RELATE TO COMMERCIAL LICENSES, HUNTING AND FISHING LICENSES, MUSSEL LICENSES; SETTING LICENSE FEES; ESTABLISHING AND INCREASING LICENSE FEES; MODIFYING REQUIREMENTS FOR LICENSES; PROVIDING FOR NONRESIDENT LICENSES; PROVIDING FOR INVESTMENT OF CERTAIN INCOME; DIRECTING MANNER IN WHICH CERTAIN FUNDS MAY BE EXPENDED; MODIFYING PENALTIES; PROVIDING A LIFETIME WATERFOWL STAMP; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 29 O.S. 1991, Section 4-106, is amended to read as follows:

Section 4-106. A. No person may propagate or hold in captivity any wildlife or domesticated animals hunted for sport for commercial hunting area purposes without having procured a license for such from the Director. Licenses shall be classified as ~~either~~ big game ~~or~~, upland game, or a combination of big game and upland game.

1. A big game license shall be required for legally acquired exotic ungulates, domesticated animals so designated by the Oklahoma Wildlife Conservation Commission, exotic swine, and legally acquired whitetail and mule deer, turkey and other species of big game lawfully taken under the provisions of subsection A of Section 5-411 and Section 5-401 of ~~Title 29 of the Oklahoma Statutes~~ this title. Wildlife that has been crossbred with exotic wildlife shall be considered native and not exotic unless documentation shows otherwise.

2. An upland game license shall be required for legally acquired captive raised pheasants, all species of quail, Indian chukars, water fowl, and other similar or suitable gallinaceous birds; and shall include turkey if no other big game species are listed on the license/application.

B. Before obtaining such license or a renewal of such license the applicant shall:

1. Submit proof that such wildlife or domesticated animals hunted for sport will be or have been secured from a source other than the wild stock in this state. Any person obtaining or renewing such license shall submit a true and complete inventory of said animals before such license shall be approved;

2. Such license shall specifically list the different species and/or subspecies to be hunted on the listed hunting area or premises; and

3. Submit proof of being an Oklahoma resident.

C. Any game warden of the Oklahoma Department of Wildlife Conservation shall have authority to inspect any and all records and invoices pertaining to the commercial hunting operations of any person licensed or requesting licensure pursuant to this section and additionally shall have the authority to inspect any and all facilities, equipment and property connected to the hunting

operation of any person licensed or requesting licensure pursuant to this section.

D. 1. The annual fee for a commercial hunting area license for upland game under this section shall be One Hundred Dollars ($100.00).

2. The annual fee for a commercial hunting area license for big game or a combination of big game and upland game pursuant to this section shall be ~~Five Hundred Dollars ($500.00)~~ Two Hundred Dollars ($200.00).

E. Exemptions from this license requirement shall be operators of running pens used for the performance test or training of dogs. Operators of such running pens may acquire coyotes from wild stock without having to possess a fur dealer's license for such purpose and no license shall be required of those involved in performance testing or training dogs in such running pens so long as no other wildlife are taken or hunted in any manner.

F. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Five Hundred Dollars ($1,500.00), or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment.

G. Any person convicted of violating the provisions of this section shall have his license revoked. No new license shall be issued for a period of six (6) months from and after the date on which the revocation order becomes effective.

H. The Department is authorized to promulgate rules pertaining to commercial hunting areas.

SECTION 2. AMENDATORY 29 O.S. 1991, Section 4-107, is amended to read as follows:

Section 4-107. A. ~~No~~ Except as otherwise provided for in this title, no person may breed or raise wildlife for commercial purposes without having first procured a license for such from the Director.

B. Such license may be issued to any person whom the Director believes to be acting in good faith, and whom he believes does not intend to use such license for the purpose of violating any of the laws of the State of Oklahoma, and who proves that the brood stock he uses will be obtained in a lawful manner.

C. ~~Any commercial wildlife breeder~~ Without exception, any person must be licensed under this section ~~to keep~~ who keeps or ~~maintain~~ maintains on ~~a premise~~ premises any bear or cat that will grow to reach the weight of fifty (50) pounds or more and shall at all times keep such wildlife confined, controlled and restrained in such manner so the life, limb or property of any person lawfully entering such premises shall not be endangered.

D. Persons excepted from the license requirements of this section are resident owners or lessees who seine minnows upon their premises, or places where permission is granted, and sell such minnows from a place of business upon their property.

E. The fees for a license under this section, and all renewals of such license, shall be Forty-eight Dollars ($48.00).

F. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than One Hundred Dollars ($100.00) ~~nor more than Two Hundred Dollars ($200.00)~~; and, if applicable, shall have his wildlife ~~breeder's~~ license revoked. No such person whose license has been revoked shall be eligible to obtain a new license until after the date on which the revoked license would have expired.

SECTION 3. AMENDATORY 29 O.S. 1991, 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/fishing licenses from the Director.

B. The fee for these licenses shall be:

1. Lifetime fishing license, One Hundred Twenty-five Dollars ($125.00);

2. Lifetime hunting license, ~~Three Hundred Dollars ($300.00)~~ Four Hundred Dollars ($400.00);

3. Lifetime hunting license for persons age sixty (60) years and over, Two Hundred Dollars ($200.00); and

4. Lifetime combination hunting/fishing license, ~~Four Hundred Dollars ($400.00)~~ Five Hundred Dollars ($500.00).

C. The use of the licenses provided in this section are subject to those restrictions provided by statute and the regulations of the Commission. The lifetime hunting license shall be in lieu of all annual hunting licenses and all special season permits.

D. Nonresidents may purchase:

1. A lifetime nonresident fishing license. The fee for such license shall be Two Hundred Dollars ($200.00);

2. A lifetime nonresident small game hunting license to hunt game other than deer, antelope, elk, turkey. The fee shall be Four Hundred Dollars ($400.00); or

3. A lifetime nonresident combination fishing and small game hunting license. The fee shall be Five Hundred Seventy-Five Dollars ($575.00).

E. Should any lifetime license be lost or destroyed, a duplicate will be issued by the Department for a fee of Five Dollars ($5.00).

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

SECTION 4. AMENDATORY 29 O.S. 1991, Section 4-121, is amended to read as follows:

Section 4-121. A. ~~No~~ Except as otherwise provided in this title, no person may breed or raise wildlife for personal consumption or noncommercial purposes without having first procured a license for such purpose from the Director.

B. Such licenses may be issued to any person whom the Director believes to be acting in good faith and whom he believes does not intend to use such license for the purpose of violating any of the laws of the State of Oklahoma and who proves that the stock he uses will be obtained in a lawful manner.

~~C. Any noncommercial wildlife breeder licensed, under this section, to keep or maintain on a premise any bear or cat that will grow to reach the weight of fifty (50) pounds or more shall at all times keep such wildlife confined, controlled and restrained in such manner so the life, limb or property of any person lawfully entering such premises shall not be endangered.~~

SECTION 5. AMENDATORY 29 O.S. 1991, Section 4-129, is amended to read as follows:

Section 4-129. A. No person may harvest, or attempt to harvest, or assist in harvesting, or sell, buy or export mussels from the waters of this state without having first procured the proper license for such purposes from the Director. The fees for licenses under this section shall be:

1. For a resident license to harvest, or attempt to harvest, or assist in harvesting, or sell mussels, Fifty Dollars ($50.00);

2. For a nonresident license to harvest, or attempt to harvest, or assist in harvesting, or sell mussels, said fee shall be One Thousand Dollars ($1,000.00);

3. To buy, transport out of state or export mussels, One Thousand Dollars ($1,000.00); prior to the issuance of this license the applicant shall file with the Department a good and sufficient surety bond by a surety company licensed to do business in this state in the sum of Five Thousand Dollars ($5,000.00) conditioned upon the observance and compliance with the provisions of the Oklahoma Wildlife Conservation Code, which bond will be subject to forfeiture upon conviction for the violation of any of the provisions of this act or resolutions of the Department;

4. Any person in the possession of more than twenty (20) mussels or parts thereof shall be required to have the proper license as provided for in this section.

B. In addition to the requirements of subsection A of this section, any person harvesting, selling, buying or exporting mussels from the waters of this state shall procure an applicable annual fishing license pursuant to Section 4-110 of this title.

C. Except as otherwise provided for by law, the Commission shall regulate the harvest season, gear types to be used, size and species to be harvested and issue such other regulations as it deems necessary and shall design all forms necessary for the operation of these provisions.

D. It shall be unlawful for anyone to take or possess the following mussel species or their shells smaller than the following size limits:

1. Sand shells, muckets, creepers, less than three (3) inches minimum diameter;

2. Maple leaf, less than two and three-fourths (2 3/4) inches minimum diameter;

3. Three knot, less than two (2) inches minimum diameter; and

4. All other species except Buckhorn and the Ouachita Rock Pocket Book which are prohibited, less than two and one-half (2 1/2) inches minimum diameter.

E. All mussels shall be sized immediately after harvesting, before harvester moves his boat or begins another dive.

F. Mussels shall be measured by passing the mussel, shell included, through a circular measuring device with the appropriate inside diameter. If the mussel passes through the appropriate circular measuring device from any angle or direction it is too small, and must be returned to the water.

G. 1. The maple leaf mussel is the only mussel which shall be harvested for commercial purposes in the open portion of Grand Lake and its tributaries.

2. The mussel harvest season on Grand Lake shall be from April 1 to October 31, inclusive. No mussel shall be harvested in the portion of Grand Lake of the Cherokees from sailboat bridge to the Missouri state line nor east and north to the Kansas state line.

H. Mussels or shells collected outside of Oklahoma by a resident or nonresident mussel picker shall not be sold in Oklahoma. Mussel dealers shall not purchase or possess mussels or shells taken from waters outside of Oklahoma.

I. Nothing in this section shall prevent a person from taking six (6) or less mussels per day of any size for noncommercial personal use.

J. Any person who exports mussels from the State of Oklahoma shall pay the Department as a severance fee an amount not to exceed ~~one-twelfth (1/12)~~ one-eighth (1/8) of the dollar value of purchased shells or a lesser figure as directed by the Wildlife Commission. These funds shall be used for mussel enforcement, management and/or research. The payment shall be computed from shipping bills of lading and paid by the 15th day of the following month. The Commission shall issue such regulations governing exports as it deems necessary and shall design all forms necessary for the operation of these provisions.

K. No mussels shall be harvested except during daylight hours from sunrise until sunset. No harvesting shall ever take place in Tenkiller Lake.

L. Any person buying or exporting mussels from the waters of this state shall provide advance notice of each and every place where such business is transacted. Such notice shall be to the Director in the manner prescribed by the Commission.

M. 1. Except as provided for in paragraph 3 of this subsection, any resident of this state convicted of violating subsection A, C, D, G, H or K of this section shall be punished by a fine of not less than One Hundred Dollars ($100.00), nor more than Five Hundred Dollars ($500.00), or by imprisonment not to exceed thirty (30) days, or by confiscation of gear and/or mussels pursuant to the provisions of Section 7-206 of this title or by a combination of fine, imprisonment and confiscation.

2. Except as provided for in paragraph 3 of this subsection, any nonresident convicted of violating the provisions of subsection A, C, D, G, H or K of this section shall be punished by the imposition of a fine of not less than Two Thousand Five Hundred Dollars ($2,500.00) nor more than Five Thousand Dollars ($5,000.00) or by confiscation of gear and/or mussels pursuant to the provisions of Section 7-206 of this title or by a combination of fine, imprisonment and confiscation.

3. Any person convicted of violating the provisions of paragraph 2 of subsection A of this section or of subsection J or L of this section shall be punished by a fine of not less than Five Hundred Dollars ($500.00), nor more than One Thousand Dollars ($1,000.00), or by imprisonment not to exceed thirty (30) days, or by confiscation of the shipment of mussels pursuant to the provisions of Section 7-206 of this title, or by a combination of fine, imprisonment and confiscation. In addition, such person shall forfeit his license and not be permitted to renew the license for a one-year period.

SECTION 6. AMENDATORY 29 O.S. 1991, Section 4-130, is amended to read as follows:

Section 4-130. A. Except as otherwise provided in the Oklahoma Wildlife Conservation Code, no person may hunt or take any waterfowl during the open season on waterfowl unless he has first obtained an Oklahoma waterfowl hunting stamp from the Director or his authorized

agents. Each person shall have the stamp in his possession when hunting or taking any waterfowl. Each stamp shall be validated by the signature of the licensee written across the face of the license.

B. Persons excepted from the Oklahoma waterfowl hunting stamp requirement of this section are:

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

2. Legal residents of Oklahoma sixty-five (65) years of age or older.

C. 1. The Oklahoma waterfowl hunting stamp fee shall be Four Dollars ($4.00).

Fifty cents ($0.50) of this fee shall be retained by the authorized agent issuing the stamp. The remainder of the fee shall be deposited in the Wildlife Conservation Fund, to be used exclusively in the State of Oklahoma, for the purpose of developing, managing, preserving, restoring and maintaining wetland habitats and for the conservation and management of waterfowl and ecologically related species.

2. The collection and remittance procedures applicable to hunting license fees under this title shall apply to waterfowl stamp fees.

3. The waterfowl stamp issued pursuant to this section shall expire on June 30 of each year.

D. The Oklahoma Wildlife Conservation Commission shall prescribe, by regulation, the form, design and manner of issuance of the waterfowl stamp. The art for the stamp shall be selected from an art contest which shall be regulated by the Commission.

E. <u>Any person may purchase from the Department a lifetime Oklahoma Waterfowl Stamp. The fee for such lifetime Oklahoma Waterfowl Stamp shall be Fifty Dollars ($50.00). The income from the sale of the lifetime waterfowl stamp will be invested by the</u>

Department in United States securities or in any investment permitted to state banks under the State Banking Code, Section 101 et seq. of Title 6 of the Oklahoma Statutes. The interest derived therefrom may be expended by the Commission for the purpose of developing, managing, preserving, restoring, and maintaining waterfowl habitats and waterfowl species.

F. Any person convicted of violating any of the provisions of this section shall be punished by a fine of not less than Twenty-five Dollars ($25.00) nor more than One Hundred Dollars ($100.00).

~~F.~~ G. Nothing in the ~~Oklahoma Wildlife Conservation Code~~ this title shall prohibit a person from hunting waterfowl exclusively on his own property without an Oklahoma waterfowl hunting stamp.

SECTION 7. This act shall become effective January 1, 1993.

Passed the Senate the 4th day of March, 1992.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1992.

Speaker of the House of Representatives