

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1063

By: Lockhart

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5  
6 AS INTRODUCED

7 An Act relating to game and fish; amending 29 O.S.  
8 2001, Sections 4-114, as last amended by Section 6,  
Chapter 317, O.S.L. 2010, 4-120, as last amended by  
9 Section 8, Chapter 317, O.S.L. 2010, 4-129, 4-130, as  
last amended by Section 9, Chapter 317, O.S.L. 2010,  
10 Section 11, Chapter 160, O.S.L. 2003, as amended by  
Section 1, Chapter 282, O.S.L. 2004, Section 5,  
11 Chapter 304, O.S.L. 2005 and Section 1, Chapter 27,  
O.S.L. 2009 (29 O.S. Supp. 2010, Sections 4-114, 4-  
12 120, 4-130, 4-139, 4-143 and 4-144), which relate to  
lifetime hunting and fishing licenses; exempting  
13 lifetime license holders from additional expenses;  
and providing an effective date.

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

17 SECTION 1. AMENDATORY 29 O.S. 2001, Section 4-114, as  
18 last amended by Section 6, Chapter 317, O.S.L. 2010 (29 O.S. Supp.  
19 2010, Section 4-114), is amended to read as follows:

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

24 B. The fee for these licenses shall be:

- 1 1. Lifetime fishing license, Two Hundred Dollars (\$200.00);
- 2 2. Lifetime hunting license, Six Hundred Dollars (\$600.00);
- 3 3. Lifetime combination hunting and fishing license, Seven
- 4 Hundred Fifty Dollars (\$750.00);
- 5 4. Senior citizen lifetime hunting license for persons sixty-
- 6 five (65) years of age or older, Fifteen Dollars (\$15.00);
- 7 5. Senior citizen lifetime fishing license for persons sixty-
- 8 five (65) years of age or older, Fifteen Dollars (\$15.00); and
- 9 6. Senior citizen lifetime combination hunting and fishing
- 10 license for persons sixty-five (65) years of age or older, Twenty-
- 11 five Dollars (\$25.00).

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

- 18 1. Two Hundred Dollars (\$200.00) for veterans having a
- 19 disability of less than sixty percent (60%); and
- 20 2. Twenty-five Dollars (\$25.00) for veterans having a
- 21 disability of sixty percent (60%) or more.

22 D. The use of the licenses provided in this section are subject  
23 to those restrictions provided by statute and the regulations of the  
24 Wildlife Conservation Commission. Except as otherwise provided for

1 in this section, each lifetime hunting license issued pursuant to  
2 subsections B and C of this section shall be in lieu of all annual  
3 hunting licenses and all special season permits.

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

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

9 ~~G. 1. In addition to the fees imposed pursuant to paragraphs 1  
10 through 3 of subsection B of this section, a person purchasing a  
11 lifetime fishing, hunting or combination license, excluding a senior  
12 citizen lifetime hunting, fishing or combination hunting and fishing  
13 license issued pursuant to paragraphs 4 through 6 of subsection B of  
14 this section and a disability lifetime combination hunting and  
15 fishing license issued pursuant to subsection C of this section,  
16 shall be required to purchase a Lifetime Oklahoma Wildlife Land  
17 Stamp. Each person shall have the stamp in their possession while  
18 hunting, fishing, or taking any wildlife. The fee for the Lifetime  
19 Oklahoma Wildlife Land Stamp shall be Twenty-five Dollars (\$25.00).  
20 The fee for the stamp shall be distributed as follows:~~

21 ~~a. Twenty Dollars (\$20.00) from each stamp shall be  
22 deposited in the Oklahoma Wildlife Land Fund, created  
23 in Section 4-141 of this title, to be used to retire  
24 the obligations and related expenses as authorized~~

1           ~~pursuant to Section 168.9 of Title 73 of the Oklahoma~~  
2           ~~Statutes or to purchase, lease, or purchase easements~~  
3           ~~on real property to be used as public hunting,~~  
4           ~~fishing, and trapping areas, and~~

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

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

15           ~~3. Within one (1) year of the final retirement, redemption, or~~  
16           ~~defeasance of the obligations created pursuant to Section 168.9 of~~  
17           ~~Title 73 of the Oklahoma Statutes, the Lifetime Oklahoma Wildlife~~  
18           ~~Land Stamp and Lifetime Oklahoma Wildlife Land Stamp fee~~  
19           ~~requirements provided for in this subsection shall terminate.~~

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

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

13        SECTION 2.        AMENDATORY        29 O.S. 2001, Section 4-120, as  
14 last amended by Section 8, Chapter 317, O.S.L. 2010 (29 O.S. Supp.  
15 2010, Section 4-120), is amended to read as follows:

16        Section 4-120. A. ~~No~~ Except as provided for in subsection C of  
17 this section, no person may fish in designated trout waters without  
18 having first procured a valid Oklahoma fishing license issued  
19 pursuant to Section 4-110 of this title from the Director or  
20 authorized agents of the Director.

21        B. The Commission shall decide the open season for trout  
22 fishing and which waters are designated trout waters.

23  
24

1        C. Legal residents of Oklahoma who have a valid lifetime  
2 fishing or lifetime combination license are exempt from the license  
3 requirements of this section.

4        SECTION 3.        AMENDATORY        29 O.S. 2001, Section 4-129, is  
5 amended to read as follows:

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

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

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

16        3. To buy, transport out of state or export mussels, One  
17 Thousand Dollars (\$1,000.00); prior to the issuance of this license  
18 the applicant shall file with the Department of Wildlife  
19 Conservation a good and sufficient surety bond by a surety company  
20 licensed to do business in this state in the sum of Five Thousand  
21 Dollars (\$5,000.00) conditioned upon the observance and compliance  
22 with the provisions of the Oklahoma Wildlife Conservation Code,  
23 Section 1-101 et seq. of this title, which bond will be subject to  
24 forfeiture upon conviction for the violation of any of the

1 provisions of this section or any resolution adopted by the  
2 Department; and

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

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

10 C. Except as otherwise provided for by law, the Oklahoma  
11 Wildlife Conservation Commission shall regulate the harvest season,  
12 gear types to be used, size and species to be harvested and issue  
13 such other rules as it deems necessary and shall design all forms  
14 necessary for the operation of these provisions.

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

18 1. Sand shells, muckets, creepers, grandmas, pocketbooks, lady  
19 fingers, squaw feet or cucumbers, less than three (3) inches minimum  
20 diameter;

21 2. Maple leaf and three ridge, less than two and three-fourths  
22 (2 3/4) inches minimum diameter;

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

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1 4. Washboards, less than four (4) inches minimum in diameter;  
2 and

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

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

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

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

16 2. The mussel harvest season on Grand Lake shall be from May 1  
17 to October 30, inclusive. No mussel shall be harvested in the  
18 portion of Grand Lake of the Cherokees from twin bridges north to  
19 the Kansas state line.

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

23 I. 1. Any person who exports mussels from the State of  
24 Oklahoma shall pay the Department as a severance fee an amount not

1 to exceed one-eighth (1/8) of the dollar value of purchased shells  
2 or a lesser figure as directed by the Commission.

3 2. Except as otherwise required by this subsection, such funds  
4 shall be used for mussel enforcement, management and/or research.

5 3. One-fifth (1/5) of the monies collected pursuant to this  
6 subsection not to exceed Forty Thousand Dollars (\$40,000.00)  
7 annually shall be made available to counties in this state for  
8 beaver control and abatement pursuant to contracts with such  
9 criteria and restrictions required and specified by the Department.  
10 The payment shall be computed from shipping bills of lading and paid  
11 by the 15th day of the following month. The Commission shall issue  
12 such regulations governing exports as it deems necessary and shall  
13 design all forms necessary for the operation of these provisions.

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

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

21 L. 1. Except as provided for in paragraph 3 of this  
22 subsection, any resident of this state convicted of violating  
23 subsection A, C, D, G or J of this section shall be punished by a  
24 fine of not less than One Hundred Dollars (\$100.00), nor more than

1 Five Hundred Dollars (\$500.00), or by imprisonment not to exceed  
2 thirty (30) days, or by confiscation of gear and/or mussels pursuant  
3 to the provisions of Section 7-206 of this title or by a combination  
4 of fine, imprisonment and confiscation.

5 2. Except as provided for in paragraph 3 of this subsection,  
6 any nonresident convicted of violating the provisions of subsection  
7 A, C, D, G or J of this section shall be punished by the imposition  
8 of a fine of not less than Two Thousand Five Hundred Dollars  
9 (\$2,500.00) nor more than Five Thousand Dollars (\$5,000.00) or by  
10 confiscation of gear and/or mussels pursuant to the provisions of  
11 Section 7-206 of this title or by a combination of fine,  
12 imprisonment and confiscation.

13 3. Any person convicted of violating the provisions of  
14 paragraph 2 of subsection A of this section or of subsection I or K  
15 of this section shall be punished by a fine of not less than Five  
16 Hundred Dollars (\$500.00), nor more than One Thousand Dollars  
17 (\$1,000.00), or by imprisonment not to exceed thirty (30) days, or  
18 by confiscation of the shipment of mussels pursuant to the  
19 provisions of Section 7-206 of this title, or by a combination of  
20 fine, imprisonment and confiscation. In addition, such person shall  
21 forfeit his or her license and not be permitted to renew the license  
22 for a one-year period.

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1        M. Legal residents of Oklahoma who have a valid lifetime  
2 fishing or lifetime combination license are exempt from the license  
3 requirements of paragraphs 1 and 2 of subsection A of this section.

4        SECTION 4.        AMENDATORY        29 O.S. 2001, Section 4-130, as  
5 last amended by Section 9, Chapter 317, O.S.L. 2010 (29 O.S. Supp.  
6 2010, Section 4-130), is amended to read as follows:

7        Section 4-130. A. Except as otherwise provided in the Oklahoma  
8 Wildlife Conservation Code, no person may hunt or take any waterfowl  
9 during the open season on waterfowl unless the person has first  
10 obtained an Oklahoma waterfowl hunting stamp or license from the  
11 Director or authorized agents of the Director. Each person shall  
12 have the stamp or license in their possession when hunting or taking  
13 any waterfowl. When a stamp is purchased, the stamp shall be  
14 validated by the signature of the licensee written across the face  
15 of the stamp.

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

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

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

22        3. Persons who have a valid lifetime hunting or lifetime  
23 combination license.

1 C. 1. The Oklahoma waterfowl hunting stamp fee shall be Nine  
2 Dollars (\$9.00). The remainder of the fee shall be deposited in the  
3 Wildlife Conservation Fund, to be used exclusively in the State of  
4 Oklahoma, for the purpose of developing, managing, preserving,  
5 restoring and maintaining wetland habitats and for the conservation  
6 and management of waterfowl and ecologically related species.

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

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

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

16 E. 1. Any person arrested for hunting or taking any waterfowl  
17 during the open season on waterfowl without a valid Oklahoma  
18 waterfowl hunting stamp or license as required by the provisions of  
19 subsection A of this section may purchase a substitute temporary  
20 thirty-day stamp or license from the arresting game warden in lieu  
21 of posting bond. Proof of hunter safety certification shall not be  
22 required for the temporary substitute stamp or license. The fee for  
23 a substitute stamp or license purchased pursuant to the provisions  
24 of this subsection shall be:

- 1           a.    for legal residents - Fifty Dollars (\$50.00), and  
2           b.    for nonresidents - One Hundred Forty-five Dollars  
3                   (\$145.00).

4           2.    The fees from the temporary stamp and license purchased  
5 pursuant to the provisions of this subsection shall be deposited in  
6 the Wildlife Conservation Fund, to be used exclusively in the State  
7 of Oklahoma, for the purpose of developing, managing, preserving,  
8 restoring and maintaining wetland habitats and for the conservation  
9 and management of waterfowl and ecologically related species.

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

13          G.    Nothing in this title shall prohibit a person from hunting  
14 waterfowl exclusively on their own property without an Oklahoma  
15 waterfowl hunting stamp or license.

16          SECTION 5.        AMENDATORY        Section 11, Chapter 160, O.S.L.  
17 2003, as amended by Section 1, Chapter 282, O.S.L. 2004 (29 O.S.  
18 Supp. 2010, Section 4-139), is amended to read as follows:

19          Section 4-139.   A.   Any person who hunts, takes, or attempts to  
20 take any migratory bird shall be required to obtain from the  
21 Director any federally required permit for migratory birds.

22          B.    The fee for a migratory bird permit under subsection A of  
23 this section shall be Two Dollars (\$2.00) for residents and  
24 nonresidents.   By July 1, 2004, the Wildlife Conservation Commission

1 shall develop and implement an Internet-based electronic application  
2 by which persons may apply for a migratory bird permit. For any  
3 person who makes application for and fills out the required  
4 information for the migratory bird permit by means of the Internet,  
5 the two-dollar fee shall be waived.

6 C. In addition to the permit required in subsection A of this  
7 section, any person who hunts, takes, or attempts to take a Sandhill  
8 Crane shall be required to obtain from the Director a Sandhill Crane  
9 permit. The fee for a Sandhill Crane permit shall be Two Dollars  
10 (\$2.00) for residents and nonresidents.

11 D. Persons exempt from the permit requirements of this section  
12 are:

- 13 1. Persons under sixteen (16) years of age;
- 14 2. Persons age sixty-four (64) or older; ~~and~~
- 15 3. Persons who have a valid lifetime hunting or lifetime  
16 combination license; and
- 17 4. A landowner hunting only on their own property.

18 E. Any person convicted of violating the provisions of this  
19 section shall be punished by a fine of Ten Dollars (\$10.00).

20 SECTION 6. AMENDATORY Section 5, Chapter 304, O.S.L.  
21 2005 (29 O.S. Supp. 2010, Section 4-143), is amended to read as  
22 follows:

23 Section 4-143. A. All legal residents of Oklahoma and  
24 nonresidents may purchase a five-day rattlesnake permit from the

1 Director or an agent of the Director which shall allow the person to  
2 hunt, pursue, trap, harass, catch, kill, take, or attempt to take in  
3 any manner any species of rattlesnake during an organized  
4 rattlesnake-hunting event or festival during the five-day period  
5 without obtaining a hunting license issued pursuant to Section 4-112  
6 of ~~Title 29 of the Oklahoma Statutes~~ this title.

7 B. The fee for a rattlesnake permit shall be Five Dollars  
8 (\$5.00).

9 C. Any person with a hunting license issued pursuant to Section  
10 4-112 or 4-114 of ~~Title 29 of the Oklahoma Statutes~~ this title may  
11 hunt rattlesnake without acquiring a rattlesnake permit issued  
12 pursuant to this section.

13 SECTION 7. AMENDATORY Section 1, Chapter 27, O.S.L. 2009  
14 (29 O.S. Supp. 2010, Section 4-144), is amended to read as follows:

15 Section 4-144. A. ~~No~~ Except as provided for in subsection D of  
16 this section, no person may hunt or take black bear without having  
17 first procured a license from the Director of Wildlife Conservation  
18 or an agent of the Director.

19 B. The Wildlife Conservation Commission shall decide the open  
20 season, the bag limits, and territorial limitations for hunting or  
21 taking black bear.

22 C. The fees for a license issued pursuant to this section shall  
23 be:

24 1. For legal residents, One Hundred Dollars (\$100.00); and

1        2. For nonresidents, Five Hundred Dollars (\$500.00).

2        D. Any person who fails to obtain a license as required in  
3 subsection A of this section and pay the fee as required in  
4 paragraph 1 of subsection C of this section, upon conviction, shall  
5 be punished by a fine of not less than Two Hundred Dollars (\$200.00)  
6 nor more than Five Hundred Dollars (\$500.00) or by imprisonment in  
7 the county jail for a period not to exceed six (6) months, or by  
8 both said fine and imprisonment.

9        E. Any person who fails to obtain a license as required in  
10 subsection A of this section and pay the fee as required in  
11 paragraph 2 of subsection C of this section, upon conviction, shall  
12 be punished by a fine of not less than Eight Hundred Dollars  
13 (\$800.00) nor more than One Thousand Dollars (\$1,000.00) or by  
14 imprisonment in the county jail for a period not to exceed six (6)  
15 months, or by both said fine and imprisonment.

16        D. Legal residents of Oklahoma who have a valid lifetime  
17 hunting or lifetime combination license are exempt from the license  
18 requirements of this section.

19        SECTION 8. This act shall become effective January 1, 2012.

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21        53-1-5985            CJB            01/07/11  
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