

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 1921

By: Leist and Hutchison of
the House

and

Shurden of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to game and fish; amending 29 O.S. 1991, Section 3-103, 4-103 and 4-110, as last amended by Section 3, Chapter 214, O.S.L. 1993, 4-112, as last amended by Section 4, Chapter 214, O.S.L. 1993, 4-122, 4-123, 4-201, 5-407, 5-602, 7-503 and 7-801 (29 O.S. Supp. 1993, Section 4-110 and 4-112), which relate to the Oklahoma Wildlife Conservation Code; removing requirement relating to location of Commission meetings; authorizing certain locations for sessions; requiring certain notice; creating the Wildlife Law Enforcement Officer Training Account; providing for purpose, expenditures and deposits; clarifying language; providing for commercial turtle harvester licenses; requiring the filing of certain information; providing for certain fees; specifying penalties; prohibiting certain activity; requiring certain license for certain activity; requiring surety; specifying certain fees; providing for forfeiture; providing for certain severance fees; providing for computations; requiring certain information; providing for penalties; making certain actions unlawful; providing for John Doe license for certain persons; providing for fees and penalty; increasing certain fees; modifying and directing deposits of certain funds in certain accounts; clarifying language; increasing certain fines; authorizing certain permits to certain persons or entities to control certain species of wildlife to control nuisance or damage; exempting such permits from season regulations; modifying procedures for licensure; modifying licensure restrictions; authorizing certain licensure options; providing for certain conditions; providing for rebates; modifying certain departmental procedures for licensing agents; removing certain bag limits for certain wildlife; specifying certain penalties; setting certain requirements for commercial turtle harvesting; authorizing and setting penalties; authorizing confiscation; authorizing the purchasing, bartering, trading, selling or offering for sale of carcasses or parts of certain wildlife; prohibiting the release of certain wildlife and specifying penalty; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 29 O.S. 1991, Section 3-103, is amended to read as follows:

Section 3-103. A. The Wildlife Conservation Commission shall constitute an advisory, administrative and policymaking board with whom the Director shall consult regarding the administration of the affairs of the Department. The Commission is authorized and empowered to require from the Director complete reports and information relative to the affairs of the Department at such time and in such manner as the Commission may deem advisable. The Commission shall meet on the first Monday in each month in regular session and in such special sessions as may be called by the Chairman or a majority of the Commission. ~~All regular sessions and all special sessions will be held at the Commission headquarters at 1801 North Lincoln in Oklahoma City, Oklahoma~~ The Commission may hold any regular or special session at any location within this state. Should a location be chosen other than Commission headquarters in Oklahoma City for a regular or special meeting, notice shall be posted at Commission headquarters in Oklahoma City as well as being advertised in the local newspaper of the city in which the meeting is to be held, at least one time during each of the two (2) weeks prior to such meeting. The advertisements shall include time, date and address of location of said meeting.

B. In addition to the other powers and duties prescribed by law, the Commission shall:

1. Institute an affirmative action plan setting goal of hiring women and minorities throughout the agency; and

2. Elect a chairman, vice-chairman, and secretary, who shall perform the duties required of them by the rules and regulations of the Commission and the statutes and Constitution of the State of Oklahoma. Said chairman, vice-chairman, and secretary shall receive no extra compensation therefor; and

3. Appoint a Director, and determine the qualifications of said Director and all assistants and employees. A Commissioner shall not be eligible for employment in any position within the Department; and

4. Prescribe rules, regulations, and policies for the transaction of its business and the control of the Department; and

5. Develop and implement a plan to provide step raises for Commission Employees so that discrepancies within pay levels within a pay grade will be eliminated; and

6. Acquire by purchase, lease, gift, or devise, waters, real property, and personal property incident to the exercise of its functions and to maintain, operate, and dispose of the same; and

7. Acquire real property by condemnation only when the Attorney General or other counsel deems it an appropriate means of clearing title from willing or unavailable sellers; and

8. Supervise the establishment, extension, improvement, and operation of the wildlife refuges, propagation areas or stations, public hunting areas, public fishing areas, game management areas, and fish hatcheries; and

9. Prescribe the manner of cooperation with the Tourism and Recreation Department, colleges and universities within the state, other state agencies, any agency of the federal government, and any city, town, school district, or any other agency or organization in study of conservation and propagation of wildlife and in the establishment, maintenance, and operation of visual educational facilities, recreational facilities, and hunting and fishing facilities, in the study and propagation of wildlife; and

10. Supervise the letting of all contracts and purchases for the Department, with all purchases of personal property to be made through the Purchasing Division of the ~~Office of Public Affairs~~ Department of Central Services; and

11. Authorize all claims or expenditures prior to the incurring of payment therefor except as otherwise provided in this Code; and

12. Prescribe rules and regulations for the sale of all regular or special licenses; and

13. Publicize and encourage the conservation and appreciation of wildlife and all other natural resources; and

14. Regulate the seasons and harvest of wildlife; and

15. Annually report to the Governor and the Legislature on the complete operation, activities, and plans of the Department, together with such recommendations for future activities as the Commission may deem to be in the best interest of the state; and

16. Provide the Governor and the Legislature with an annual inventory of all property and equipment.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-312 of Title 29, unless there is created a duplication in numbering, reads as follows:

There is hereby created within the Wildlife Conservation Fund an account designated as the "Law Enforcement Officer Training Account". The account shall consist of monies designated for deposit to the account by law. All monies accruing to the credit of said account shall be budgeted and expended by the Department of Wildlife Conservation for the training of law enforcement officers employed by the Department. Expenditures from the account shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 3. AMENDATORY 29 O.S. 1991, Section 4-103, is amended to read as follows:

Section 4-103. A. No person may take for commercial purposes, by the use of nets, traps, seines and other similar devices, nongame fish ~~and turtles~~ from the waters of this state without having first procured a license for such from the Director.

B. Prior to the issuance of each license, the applicant must file with the Director:

1. A true inventory of the equipment to be utilized in the operations of that fisherman;

2. Under special management or research conditions, the Commission may require a good and sufficient surety bond to the Department, by a surety company licensed to do business in this

state, in the sum of One Thousand Dollars (\$1,000.00) conditioned upon the observance and the compliance with the provisions of this section and Sections ~~4-103~~, 6-201 and 6-202 of this Code, which bond shall be subject to forfeiture upon the conviction of the violation of any of the provisions of this Code, as provided in paragraph 2, subsection F of Section 4-101 of this Code.

C. The fee for a license under this section shall be Seventy-five Dollars (\$75.00) for residents and Two Hundred Dollars (\$200.00) for nonresidents of the State of Oklahoma.

D. 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), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

E. Commercial fishermen whose licenses have been revoked under subsection F of Section 4-101 of this Code may not engage in commercial fishing operations in any manner during such revocation.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-103A of Title 29, unless there is created a duplication in numbering, reads as follows:

A. No person may take for commercial purposes, by the use of nets, traps, seines and other similar devices, turtles from the waters of this state without having first procured a commercial turtle harvester license from the Director.

B. Prior to the issuance of each license, the applicant must file with the Director:

1. A true inventory of the equipment to be utilized in the operations of that turtle harvester;

2. Under special management or research conditions, the Commission may require a good and sufficient surety bond to the Department, by a surety company licensed to do business in this state, in the sum of One Thousand Dollars (\$1,000.00) conditioned upon the observance and the compliance with the provisions of this section, and Section 15 of this act, which bond shall be subject to forfeiture upon the conviction of the violation of any of the

provisions of this title, as provided in paragraph 2, subsection F of Section 4-101.

C. The fee for a license under this section shall be Seventy-five Dollars (\$75.00) for residents and Two Hundred Dollars (\$200.00) for nonresidents of the State of Oklahoma.

D. 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), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

E. Commercial turtle harvesters whose licenses have been revoked under subsection F of Section 4-101 of this title may not engage in commercial turtle harvesting operations in any manner during such revocation.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-103B of Title 29, unless there is created a duplication in numbering, reads as follows:

A. No person may buy, transport out of state or export aquatic turtles from the waters of this state without having first procured a commercial turtle buyer's license from the Director.

B. The fee for an annual license under this section shall be Two Hundred Dollars (\$200.00) for residents and Five Hundred Dollars (\$500.00) for nonresidents. Prior to the issuance of such 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 One Thousand Dollars (\$1,000.00) conditioned upon the observance and compliance with the provisions of the Oklahoma Wildlife Conservation Code, which bond will be forfeited to the Department upon conviction for the violation of any provision of this section, Section 4-101 of this title or Section 15 of this act or any rule of the Oklahoma Wildlife Conservation Commission.

C. Any person who buys or exports aquatic turtles from this state shall pay the Department as a severance fee an amount equal to three percent (3%) of the dollar value of purchased turtles. The payment shall be computed from the purchase records completed

and maintained by the licensee for each and every purchase made. Such purchase records along with the fee and an accurate report of all turtles exported from this state for each month shall be submitted to the Department by the fifteenth day of the following month. The Wildlife Commission shall issue such rules and reporting requirements governing the purchases and exports and shall design all forms necessary for the operation of these provisions.

D. Any person convicted of violating any provision of this section shall be guilty of a misdemeanor punishable 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 both fine and imprisonment. In addition, such person shall forfeit his license and not be permitted to renew the license for a one-year period.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-104A of Title 29, unless there is created a duplication in numbering, reads as follows:

A. No person may assist in any commercial turtle harvesting operation without having first procured from the Director a license for each such person.

B. Such license shall be in the form of a John Doe license and will be valid for the helper or assistant only so long as the helper or assistant works in the presence of the commercial turtle harvester.

C. The fee for a license under this section shall be Fifty Dollars (\$50.00).

D. 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), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

SECTION 7. AMENDATORY 29 O.S. 1991, Section 4-110, as last amended by Section 3, Chapter 214, O.S.L. 1993 (29 O.S. Supp. 1993, 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 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. The Commission may designate two (2) days per year in which residents and nonresidents may fish without first procuring a fishing license pursuant to the provisions of this section.

B. Pursuant to the provisions of this Code, persons excepted from the license requirements of this section are:

1. Legal residents under sixteen (16) years of age on the first day of the current calendar year and nonresidents under sixteen (16) years of age from states which do not require nonresident fishing licenses for persons under sixteen (16) years of age;

2. Legal residents sixty-four (64) years of age or older and nonresidents sixty-four (64) years of age or older from states which do not require nonresident fishing licenses for persons sixty-four (64) years of age or older, provided such resident has obtained a senior citizen's license pursuant to the provisions of Section 4-133 of this title;

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

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

5. Every Oklahoma citizen who is serving in a branch of the United States Armed Forces, is on properly authorized leave of absence from military duty, has in his possession proper written evidence showing such authorized leave, and is serving outside the State of Oklahoma at the time of such fishing;

6. Any patient of an institution of the State of Oklahoma established for the care and treatment of mental illness or alcohol or drug dependency or any developmentally disabled person residing in any group home or other institution or developmentally

disabled persons when accompanied by an attendant of such institution or legal guardian of said patient, or when fishing on institutional property;

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

8. Any person who is legally blind or who has any other physical impairment, as certified by a duly qualified physician, which prevents him from properly using fishing apparatus without the assistance of another person, and any one person actually accompanying and actually assisting such legally blind or otherwise physically impaired person while the latter is fishing. This certification shall be carried by the individual while fishing;

9. Nonresidents under fourteen (14) years of age;

10. Job Corps trainees of this state, provided that such trainees shall have on their persons a duly authorized identification card issued by their respective Job Corps Center and shall present such card upon request, in lieu of a fishing license. The trainees shall return their cards to their respective Job Corps Center when the trainees leave their respective Job Corps training programs;

11. Any legal resident having a proven disability which renders him nonambulatory and confines him to a wheelchair as certified by a duly qualified physician; and

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

C. Except as otherwise provided for in the Oklahoma Wildlife Conservation Code, the fee for an annual license issued pursuant to the provisions of this section shall be:

1. For legal residents, Nine Dollars and twenty-five cents (\$9.25); and

2. For nonresidents, Twenty-two Dollars and fifty cents (\$22.50), provided the Commission may enter into reciprocity agreements with states wherein nonresident license fees shall be in conformity with such reciprocal agreements. For a ten-day nonresident permit license, Fourteen Dollars (\$14.00). For a three-day nonresident permit license, Six Dollars and fifty cents (\$6.50). Of the amount of monies collected pursuant to the provisions of this paragraph, Five Dollars (\$5.00) of the license fee for nonresidents, Two Dollars and fifty cents (\$2.50) of the ten-day nonresident permit fee and One Dollar and fifty cents (\$1.50) of the three-day nonresident permit fee shall be deposited in the Wildlife Habitat Fund created pursuant to the provisions of Section 4-132 of this title.

D. Legal residents who have resided in this state for at least six (6) months and who are receiving Social Security disability and Social Security insurance benefits may purchase a disability fishing license from the Director for Ten Dollars (\$10.00) for five (5) years.

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

~~1. For~~ a. for legal residents, ~~Thirty-five Dollars (\$35.00);~~ Fifty Dollars (\$50.00), and

~~2. For~~ b. for nonresidents, ~~Seventy-five Dollars (\$75.00)~~ Ninety Dollars (\$90.00).

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

3. Of the fees for temporary licenses collected pursuant to the provisions of this subsection:

- a. Five Dollars (\$5.00) of the fee for each license shall be deposited in the Law Enforcement Officer Training Account of the Wildlife Conservation Fund created pursuant to Section 2 of this act, and
- b. Ten Dollars (\$10.00) of the fee for each license shall be deposited in the Nongame Wildlife Improvement Fund created pursuant to Section 3-310 of this title.

F. Unless a substitute license is purchased as provided for by subsection E of this section, any resident of this state convicted of violating the provisions of this section shall be punished by the imposition of a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both said fine and imprisonment.

G. Unless a substitute license is purchased as provided for by subsection E of this section, any nonresident convicted of violating 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) or by imprisonment in the county jail for a period not more than thirty (30) days, or by both such fine and imprisonment.

H. Any person producing proof in court that a current fishing license issued by the Department of Wildlife Conservation to such person was in force at the time of the alleged offense shall be entitled to dismissal of a charge of violating this section upon payment of court costs; however, if proof of fishing license is presented to the court or district attorney within seventy-two (72) hours after the violation, the charge shall be dismissed without payment of court costs.

SECTION 8. AMENDATORY 29 O.S. 1991, Section 4-112, as last amended by Section 4, Chapter 214, O.S.L. 1993 (29 O.S. Supp. 1993, Section 4-112), is amended to read as follows:

Section 4-112. A. Except as otherwise provided for in the Oklahoma Wildlife Conservation Code, no person may hunt, pursue, trap, harass, catch, kill, take or attempt to take in any manner, use, have in possession, sell, or transport all or any portion of any wildlife except fish, without having first procured a license for such from the Director or from any authorized agents of the Department.

B. Pursuant to the provisions of this Code, persons excepted from the license requirement of this section are:

1. Legal residents of Oklahoma under sixteen (16) years of age on the first day of the current calendar year;

2. Legal residents of Oklahoma sixty-four (64) years of age or older provided such persons have obtained a senior citizen's license pursuant to the provisions of Section 4-133 of this title;

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

4. Legal resident owners or tenants who hunt on land owned or leased by them;

5. Every citizen of Oklahoma serving in a branch of the United States Armed Forces, who is on properly authorized leave from military duty, who has in his possession proper written evidence showing such authorized leave, and who is serving outside the State of Oklahoma at the time of such hunting;

6. Any nonresident under fourteen (14) years of age; and

7. Legal residents having a proven disability which renders them nonambulatory and confines them to a wheelchair, as certified by a medical doctor duly licensed to practice medicine in this state.

C. Except as otherwise provided for in the Oklahoma Wildlife Conservation Code, the fees for licenses listed in this subsection are:

1. a. Annual hunting licenses for nonresidents hunting game other than deer, antelope, or elk, Seventy-three Dollars and fifty cents (\$73.50); for deer, One Hundred Forty-two Dollars (\$142.00); for antelope and elk, Two Hundred Ten Dollars and fifty

cents (\$210.50). There shall be no exemptions for deer, antelope, elk, or turkey. For a five-day nonresident hunting license to hunt game other than deer, antelope, elk, turkey, or pheasant, the fee shall be Twenty-four Dollars (\$24.00).

- b. Of the amount of monies collected pursuant to the provisions of this paragraph, Five Dollars (\$5.00) of the license fee for hunting game other than deer, antelope and elk, Five Dollars (\$5.00) of the license fee for hunting deer, Five Dollars (\$5.00) of the license fee for hunting antelope and elk and Two Dollars and fifty cents (\$2.50) of the five-day hunting license shall be deposited in the Wildlife Habitat Fund created pursuant to the provisions of Section 4-132 of this title.
- c. The Oklahoma Wildlife Department shall not issue any nonresident deer, antelope, or elk licenses to residents of any other state which has a deer season but does not allow Oklahoma residents the opportunity to purchase nonresident licenses in their state.

2. Disability hunting license, residents of this state for at least six (6) months and who are receiving Social Security disability and Social Security insurance benefits may purchase a disability hunting license from the Director for Ten Dollars (\$10.00) for five (5) years.

3. Deer gun hunting license, residents, Thirteen Dollars and seventy-five cents (\$13.75). There shall be no exemptions except for residents sixty-four (64) years of age or older provided such residents have obtained a senior citizen's license pursuant to the provisions of Section 4-133 of this title. In addition, veterans who are totally disabled as certified by the U.S. Veterans Administration shall be exempt from the fees specified pursuant to this paragraph.

4. Deer archery hunting license, residents, Thirteen Dollars and seventy-five cents (\$13.75). No exemptions.

5. Primitive firearms license, residents, Thirteen Dollars and seventy-five cents (\$13.75). No exemptions.

6. Elk or antelope hunting license, residents, Thirty-four Dollars and twenty-five cents (\$34.25). No exemptions.

7. Bonus, special or second deer gun hunting license, residents, Thirteen Dollars and seventy-five cents (\$13.75). No exemptions except for residents sixty-five (65) years of age or older provided such residents have obtained a senior citizen's license pursuant to the provisions of Section 4-133 of this title. In addition, veterans who are totally disabled, if certified by the U.S. Veterans Administration shall be exempt from the fees specified pursuant to this paragraph.

D. The fees for hunting licenses, except as provided for in the Oklahoma Wildlife Conservation Code, are:

1. Legal residents, Nine Dollars and twenty-five cents (\$9.25); and

2. Commercial hunting area ten-day permit, resident or nonresident, Five Dollars (\$5.00).

E. The provisions of this section shall not be construed to require a hunting license, resident or nonresident, of any person merely because he participates, as owner or handler of an entry, as an official, or as a spectator in the conduct of a field trial or performance test of dogs, whether he is a resident or nonresident of the State of Oklahoma. No license to hunt shall be required of any person engaged in training or working dogs, provided said person is in no way engaged in hunting and does not take or attempt to take in any manner any game.

F. 1. Any person arrested for hunting game other than deer, antelope, elk, or turkey without a valid hunting license as required by the provisions of subsection A of this section may purchase a substitute temporary thirty-day license from the arresting game warden in lieu of posting bond. Proof of hunter safety certification will not be required for such temporary substitute license. The fee for a substitute license purchased pursuant to the provisions of this subsection shall be:

1. ~~For~~ a. for legal residents, ~~Thirty-five Dollars~~
~~(\$35.00); Fifty Dollars (\$50.00),~~ and
2. ~~For~~ b. for nonresidents, ~~One Hundred Thirty Dollars~~
~~(\$130.00) One Hundred Forty-five Dollars~~
(\$145.00).

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

3. Of the fees for temporary licenses collected pursuant to
the provisions of this subsection:

- a. Five Dollars (\$5.00) of the fee for each license
shall be deposited in the Law Enforcement Officer
Training Account of the Wildlife Conservation Fund
created pursuant to Section 2 of this act, and
- b. Ten Dollars (\$10.00) of the fee for each license
shall be deposited in the Nongame Wildlife
Improvement Fund created pursuant to Section 3-310
of this title.

G. Any person producing proof in court that a current hunting
license issued by the Department of Wildlife Conservation to such
person was in force at the time of the alleged offense shall be
entitled to dismissal of a charge of violating this section upon
payment of court costs; however, if proof of hunting license is
presented to the court or district attorney within seventy-two
(72) hours after the violation, the charge shall be dismissed
without payment of court costs.

H. Unless a substitute license is purchased as provided for
by subsection F of this section, any resident convicted of
violating the provisions of this section shall be punished by the
imposition of a fine of not less than Twenty-five Dollars (\$25.00)
nor more than One Hundred Dollars (\$100.00), or by imprisonment in
the county jail for a period not to exceed thirty (30) days, or by
both said fine and imprisonment.

I. Unless a substitute license is purchased as provided for by subsection F of this section, any nonresident convicted of violating the provisions of this section shall be punished by the imposition of a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period not to exceed six (6) months, or by both said fine and imprisonment.

SECTION 9. AMENDATORY 29 O.S. 1991, Section 4-122, is amended to read as follows:

Section 4-122. A. Individuals possessing the noncommercial wildlife breeders license are authorized to breed and/or raise such noncommercial wildlife for personal uses only. Such personal uses shall include, but not be limited to:

1. Breeding for a hobby;
2. Educational or scientific purposes;
3. Personal consumption;
4. Release on private property, except any bear or cat that will grow to reach the weight of fifty (50) pounds or more; and
5. Care and rehabilitation of sick or injured wildlife.

B. The fees for a license under this section and all renewals of such license shall be Five Dollars (\$5.00).

C. Noncommercial wildlife breeders are required to abide by all provisions of Sections 5-601 and 5-602 of this title, except for those parts referring to the sale of wildlife, which is not authorized under this license.

SECTION 10. AMENDATORY 29 O.S. 1991, Section 4-123, is amended to read as follows:

Section 4-123. Any person convicted of violating the provisions of ~~this act~~ Sections 4-121 or 4-122 of this title shall be punished by a fine of not less than ~~Ten Dollars (\$10.00)~~ Fifty Dollars (\$50.00) nor more than ~~Two Hundred Dollars (\$200.00)~~ Five Hundred Dollars (\$500.00), and if applicable, shall have his 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 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-135 of Title 29, unless there is created a duplication in numbering, reads as follows:

The Department is authorized to issue permits to landowners, lessees or their designated agents and to any entity of state, county or local government to control nuisance or damage by any species of wildlife under rules promulgated by the Commission. Such permits may be issued without limitation to statewide season regulations.

SECTION 12. AMENDATORY 29 O.S. 1991, Section 4-201, is amended to read as follows:

~~Section 4-201. A. All licenses shall be numbered consecutively each year beginning with the numeral 1.~~

~~B. The Department shall delegate the sale of these licenses to authorized agents. The agent shall charge a selling fee of One Dollar (\$1.00) per license above the set license fee.~~

~~C. Fishing and hunting licenses may be offered to dealers on a cash basis or under the following provisions:~~

~~1. The Wildlife Conservation Director is hereby authorized to consign hunting and fishing licenses to authorized agents of the Wildlife Conservation Department, for issuance and sale to sportsmen desiring to purchase such licenses, upon being furnished with evidence satisfactory to the Director showing the credit rating or net financial worth of the authorized agent to be reasonably sufficient to justify such consignment. Such authorized agents shall be self-employed independent contractors and shall be removeable at the will of the Department. Such agents shall be required to perform all duties and responsibilities relating to such consignments as are required by the Director pursuant to this section and written contracts executed by the Director and the authorized agent, which shall specify the date for payment or accounting for the consigned licenses. No such authorized agent shall be permitted to purchase licenses on consignment costing more than a total of Five Thousand~~

Dollars (\$5,000.00) issue license forms to dealers under one of the following options:

1. Having a surety bond obtained by the dealer;
2. Having a bond obtained from the Department; or
3. A one-thousand-dollar cash deposit or a certificate of deposit in the amount of One Thousand Dollars (\$1,000.00).

The cash deposit or certificate of deposit will remain at the Department until the dealer chooses to discontinue selling licenses or a loss of money and/or licenses has occurred. The Department may waive bond and cash deposit requirements to existing dealers as of July 1, 1994, who have been in good standing for five (5) years.

~~2.~~ B. Each agent shall submit the appropriate report designated by the Department to properly account for all license fees received by the agent pursuant to the provisions of this subsection.

Each such agent shall also remit all such license fees received by the agent to the Department or return the licenses not sold within the time period specified by the Department. No further license consignment shall be permitted until such agent has remitted all license fees received pursuant to the provisions of this subsection in full. The Department shall rebate to the dealer One Dollar (\$1.00) for each type license sold except as otherwise provided by law.

~~3.~~ C. Any authorized agent who fails to remit the required license fees as required by the Department shall be liable for a penalty, to be imposed by the Department, equal to one percent (1%) of the gross amount of the license fees received by the authorized agent pursuant to this subsection.

~~4.~~ D. In addition, failure to remit such license fees, any penalty, or both such fees and penalty shall subject the agent to criminal and civil proceedings pursuant to this ~~paragraph~~ subsection.

~~a.~~ 1. Upon failure of an agent to remit the license fees and penalty, as required, the Department shall give written notice to the alleged violator specifying the cause of the complaint. Such

notice shall state the amount of the license fees owed and any penalty assessed by the Department. The notice shall require immediate payment of such debt and penalties or require that the alleged violator appear before the Department at a time and place specified in the notice and answer the charges. The notice shall additionally inform the alleged violator that failure to either pay the debt and penalty as required or to appear at the hearing shall subject such alleged violator to an administrative order which shall be entered on the judgment docket of the district court in a county in which the alleged violator has property and shall be enforced in the same manner as an order of the district court for collection action. The notice shall be served upon the alleged violator in the same manner prescribed for service of summons in a civil action. The Department shall afford the alleged violator an opportunity for a fair hearing within fifteen (15) days of receipt of notice provided by this paragraph in accordance with the provisions of the Administrative Procedures Act. On the basis of evidence produced at the hearing or if the alleged violator fails to appear at the hearing as required, the Department shall make findings of fact and conclusions of law and enter an order thereon. The order of the Department shall become final and binding on all parties unless appealed to the district court as provided in the Administrative Procedures Act. If an appeal is not made, such order may be entered on the judgment docket of the district court in a county in which the debtor has property and thereafter enforced in the same manner as an order of the district court for collection actions.

~~b.~~ 2. Failure to return or pay for such licenses is hereby declared to be a misdemeanor, and punishable upon conviction by a fine not to exceed Five Thousand Dollars (\$5,000.00).

~~c.~~ 3. Payment, in full, of the license fees and penalty, pursuant to the provisions of this ~~paragraph~~ subsection shall be full and complete satisfaction of the violation for which the Administrative Order was issued and shall preclude any other civil or criminal penalty for the same violation.

~~5. The Wildlife Conservation Director may issue licenses to authorized agents of the Wildlife Conservation Department who do not qualify for consignment in the manner provided in paragraph 1 of this subsection when payment or accounting for such licenses is guaranteed by the terms of a corporate surety bond furnished to the Department by such authorized agent. Such bonds shall be executed by a surety company licensed to do business in this state. Licenses purchased on consignment as provided herein shall not exceed the penalty amount of the bond.~~

~~6. E.~~ The Office of the Attorney General, at the request of the Director, may assist the Department in the assessment and collection of the debt and penalties, and recovery on the bond pursuant to the provisions of this section.

~~D.~~ In order to obtain refunds for unused and spoiled licenses, the agents shall return by January 30 of the year following license issuances those licenses which remain intact in the books.

~~E.~~ The Department will then credit and return to the agents money equal to all unused or spoiled licenses which remain intact in the books.

SECTION 13. AMENDATORY 29 O.S. 1991, Section 5-407, is amended to read as follows:

A. The hunting or killing of quail may be only by use of a shotgun, longbow or by falconry, and then only between sunrise and sunset.

B. At no time shall any quail or covey be shot while resting on the ground, commonly called "pot shooting."

~~C.~~ The bag limit shall be ten (10) quail per day, and no person may have more than two (2) days' limit in his possession at any one time. However, no person may possess more than the bag limit while in the field or while returning from one day's hunting.

SECTION 14. AMENDATORY 29 O.S. 1991, Section 5-602, is amended to read as follows:

Section 5-602. A. All furbearers, except mink, game mammals, game birds, game fish and minnows raised under the provisions of

this Code are hereby required to be confined to the lands or waters described in the application, and such wildlife must be confined in such manner as to prohibit mammals, birds and fish belonging to the State of Oklahoma from becoming part of the enterprise.

B. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-204 of Title 29, unless there is created a duplication in numbering, reads as follows:

A. No person may net or trap aquatic turtles for commercial purposes or assist in such operations or buy, barter, trade or export any aquatic turtles from the waters of this state without having first obtained a valid commercial turtle harvester's license and without observing the following requirements:

1. No nets and traps used in the harvest of turtles for commercial purposes may have a mesh size less than three (3) inches square;

2. All types of traps shall have an identification tag with the owner's name and license number attached; and

3. Aquatic turtles may be harvested for commercial purposes only from private ponds, with permission of the pond owner and from municipal lakes, with written permission of the municipal authority.

B. The Commission may enact other requirements by rule.

C. Any equipment used in violation of this section shall be confiscated and become the property of the Department or disposed of according to law.

D. 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 Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a period not to exceed thirty (30) days or by both such fine and imprisonment.

SECTION 16. AMENDATORY 29 O.S. 1991, Section 7-503, is amended to read as follows:

Section 7-503. A. Except as otherwise provided for by law, no person may buy, barter, trade, sell or offer, or expose for sale all or any part of any fish or wildlife or the nest or eggs of any bird, protected by law; provided, the carcasses or parts thereof of legally acquired furbearing animals may be purchased, bartered, traded, sold or offered for sale.

B. Persons licensed to propagate or sell fish or wildlife pursuant to the provisions of the Oklahoma Wildlife Conservation Code and persons who have documentation of legally purchased fish or wildlife or parts thereof for resale are exempt from the provisions of this section.

C. All wildlife or parts thereof seized pursuant to the provisions of this section and determined to be unfit for release in a suitable locale shall be sold. The proceeds from said sale shall be deposited in the Wildlife Conservation Fund.

D. No person shall buy, barter, trade, or sell, within this state, any furbearing animal, game animal, or game fish, or any part thereof, acquired from a source within or outside of this state unless at the time and place of each such sale, the seller shall have in his possession an invoice signed by the person from whom said seller purchased said animals or fish, which shall contain a statement of the source from which said animals or fish were acquired, and the species and quantity of each species, or parts thereof, delivered to said seller.

E. The animal, bird, fish, or part thereof shall be confiscated by the arresting authority and forwarded to the Commission to be held until the matter is resolved. If a person violating the provisions of this section is convicted, the Commission shall retain and properly dispose of the confiscated animal, bird, fish, or part thereof. If a person accused of violating the provisions of this section is acquitted, the confiscated animal, bird, fish, or part thereof shall be returned to the possession of the person from whom it was confiscated.

F. The first violation of any of the provisions of this section shall be punishable by a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period not less than ten (10) days nor more than sixty (60) days, or by both said fine and imprisonment.

Subsequent violations of the provisions of this section shall be punishable by a fine of not less than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a period not less than ten (10) days nor more than sixty (60) days, or by both said fine and imprisonment.

SECTION 17. AMENDATORY 29 O.S. 1991, Section 7-801, is amended to read as follows:

Section 7-801. A. The Commission is authorized to regulate the importation of exotic wildlife. No exotic wildlife may be released into the wilds of Oklahoma without first obtaining written permission of the Director. Any person releasing such exotic wildlife into the wilds of Oklahoma in violation of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00) or by imprisonment in the county jail for a period not to exceed thirty (30) days or by both such fine and imprisonment.

B. Any bear or cat that will grow to reach the weight of fifty (50) pounds or more held or maintained in violation of this section may be confiscated and disposed of by the Wildlife Department or other law enforcement agency after proper notice and hearing except in an emergency situation.

SECTION 18. Sections 3, 4, 5, 6 and 15 of this act shall become effective January 1, 1995.

SECTION 19. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-2-L9642

KSM