

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1493

By: Smith (Dale)

COMMITTEE SUBSTITUTE

An Act relating to game and fish; amending 29 O.S. 2001, Sections 4-106, 4-107 and 4-121, which relate to commercial hunting area licenses, commercial wildlife breeders' licenses, and noncommercial wildlife breeders' licenses; providing an expiration date for certain licenses; 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. 2001, 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 big game, 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 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 Two Hundred Dollars (\$200.00).

E. All licenses issued pursuant to this section shall expire on June 30 of each year.

F. 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.~~ G. 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.~~ H. 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.~~ I. The Department is authorized to promulgate rules pertaining to commercial hunting areas.

SECTION 2. AMENDATORY 29 O.S. 2001, Section 4-107, is amended to read as follows:

Section 4-107. A. Except as otherwise provided for in this title, no person may breed, possess or raise native wildlife, except fish, amphibians, aquatic reptiles, aquatic invertebrates or exotic livestock, for commercial purposes without having first procured a license for such from the Director.

B. No person licensed under this section may sell cats specified in subsection D of this section or bears to any person who does not possess a commercial wildlife breeder's license or noncommercial wildlife breeder's license.

C. 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.

D. Without exception, any person shall be licensed under this section who keeps or maintains on 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.

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

F. All licenses issued pursuant to this section shall expire on June 30 of each year.

G. 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); and, if applicable, shall have his wildlife 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. 2001, Section 4-121, is amended to read as follows:

Section 4-121. A. 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. All licenses issued pursuant to this section shall expire on June 30 of each year.

SECTION 4. This act shall become effective July 1, 2003.

SECTION 5. 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.

49-1-6350 KB 02/17/03