

ENROLLED HOUSE
BILL NO. 1882

By: Smith of the House

and

Shurden of the Senate

An Act relating to game and fish; amending 29 O.S. 2001, Section 4-107, as amended by Section 2, Chapter 188, O.S.L. 2003 (29 O.S. Supp. 2003, Section 4-107), which relates to commercial wildlife breeder's license; clarifying statutory language; providing an expiration date for the license; repealing 29 O.S. 2001, Section 4-107, as amended by Section 2, Chapter 94, O.S.L. 2003 (29 O.S. Supp. 2003, Section 4-107), which relates to commercial wildlife breeder's license; repealing 29 O.S. 2001, Section 4-131, which relates to legislative review and termination of the Waterfowl Hunting Stamps; and declaring an emergency.

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

SECTION 1. AMENDATORY 29 O.S. 2001, Section 4-107, as amended by Section 2, Chapter 188, O.S.L. 2003 (29 O.S. Supp. 2003, 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 commercial wildlife breeder's license ~~for such~~ from the Director.

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

C. ~~Such~~ A commercial wildlife breeder's license may be issued to any person whom the Director believes to be acting in good faith, and whom the Director believes does not intend to use the license for the purpose of violating any of the laws of the State of Oklahoma, and who proves that the brood stock to be used will be obtained in a lawful manner.

D. The fee for a commercial wildlife breeder's license issued under this section, and all renewals of the license, shall be Forty-eight Dollars (\$48.00). All commercial wildlife breeder's licenses issued pursuant to this section shall expire on June 30 of each year.

E. Any person who keeps or maintains on premises any native bear or native cat that will grow to reach the weight of fifty (50)

pounds or more shall be licensed under this section with a commercial wildlife breeder's license. Any person licensed pursuant to this subsection shall at all times keep such wildlife confined to the premises described in the commercial wildlife breeder application, and controlled and restrained in a manner so the life, limb or property of any person lawfully entering the premises shall not be endangered. Any person licensed to possess native cats or bears pursuant to this subsection shall control and restrain the wildlife so that there is no direct contact between the public and the wildlife, and the public shall not be allowed to enter into any enclosures occupied by the wildlife.

F. 1. Any person who is a nonresident or entity not permanently located within the state which exhibits native cats or native bears that will grow to reach the weight of fifty (50) pounds or more in this state on a temporary basis shall be required to obtain from the Director a nonresident cat/bear temporary exhibitor's permit. Any person with a permit issued pursuant to this paragraph shall be exempt from acquiring a commercial wildlife breeder's license issued under this section and shall be exempt from the requirements set forth in subsection E of this section. The fee for a nonresident cat/bear temporary exhibitor's permit shall be One Hundred Dollars (\$100.00) and shall be valid for thirty (30) days. To obtain a nonresident cat/bear temporary exhibitor's permit, the person shall be required to hold a valid exhibitor's license issued by the United States Department of Agriculture.

2. Any resident of the state who has a commercial wildlife breeder's license issued pursuant to this section who wishes to exhibit native cats or native bears that will grow to reach the weight of fifty (50) pounds or more at the permanent facility described in the commercial wildlife breeder's license or at a temporary facility shall be required to obtain from the Director a resident cat/bear exhibitor's permit. Any person with a permit issued pursuant to this paragraph shall be required to also have a commercial wildlife breeder's license issued under this section and shall comply with the requirements set forth in subsection E of this section when not exhibiting the wildlife. The fee for a resident cat/bear exhibitor's permit shall be Fifty Dollars (\$50.00) and shall be valid for one (1) year. To obtain a resident cat/bear exhibitor's permit the person shall be required to hold a valid exhibitor's license issued by the United States Department of Agriculture.

3. Any person with a permit to exhibit native cats or bears pursuant to paragraph 1 or 2 of this subsection shall at all times keep the wildlife controlled and restrained in a manner so the life, limb, or property of any person lawfully entering the premises where the wildlife is being exhibited shall not be endangered by the wildlife. Any person with a permit to exhibit native cats or bears pursuant to paragraph 1 or 2 of this subsection shall control and handle the wildlife so there is no direct contact between the public and the wildlife, and the public shall not be allowed to enter into any enclosures occupied by the wildlife. Any native cat or bear and any facility covered under a permit issued pursuant to paragraph 1 or 2 of this subsection shall be available for inspection at all reasonable times by authorized representatives of the Department.

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) and, if applicable, shall have the wildlife license of the person revoked. No 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 2. REPEALER 29 O.S. 2001, Section 4-107, as amended by Section 2, Chapter 94, O.S.L. 2003 (29 O.S. Supp. 2003, Section 4-107), is hereby repealed.

SECTION 3. REPEALER 29 O.S. 2001, Section 4-131, is hereby repealed.

SECTION 4. 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.

Passed the House of Representatives the 18th day of May, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the 24th day of May, 2004.

Presiding Officer of the Senate