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THE STATE SENATE
Monday, April 7, 2003

ENGROSSED
House Bill No. 1566
As Amended

ENGROSSED HOUSE BILL NO. 1566 - By: SMITH (Dale) of the House and SHURDEN of the Senate.

An Act relating to game and fish; providing definition of certain term; amending 29 O.S. 2001, Section 4-107, which relates to commercial wildlife breeder's license; updating statutory language; modifying type of cat or bear; modifying restrictions on confinement of certain bears and cats; requiring nonresidents and residents to obtain certain exhibitor's permit to exhibit certain wildlife; providing certain exemption; establishing fee; requiring persons to hold certain exhibitor's license; establishing certain confinement and handling requirements; providing for inspection; increasing penalty; amending 29 O.S. 2001, Section 5-602, which relates to the confinement of wildlife to premises; providing an exception for certain persons; amending 29 O.S. 2001, Section 7-502, as amended by Section 3, Chapter 346, O.S.L. 2002 (29 O.S. Supp. 2002, Section 7-502), which relates to the prohibition on possession of certain wildlife; modifying type of cat or bear; **providing for construction**; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-109.3 of Title 29, unless there is created a duplication in numbering, reads as follows:

"Exhibit" means to display a wild animal to members of the general public for any reason.

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

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

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

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

18 D. ~~Without exception, any~~ The fee for a commercial wildlife
19 breeder's license issued under this section, and all renewals of the
20 license, shall be Forty-eight Dollars (\$48.00).

21 E. ~~Any person shall be licensed under this section~~ who keeps or
22 maintains on premises any native bear or native cat that will grow
23 to reach the weight of fifty (50) pounds or more ~~and~~ shall be

1 licensed under this section. Any person licensed pursuant to this
2 subsection shall at all times keep such wildlife confined to the
3 premises described in the commercial wildlife breeder application,
4 and controlled and restrained in such a manner so the life, limb or
5 property of any person lawfully entering such the premises shall not
6 be endangered. Any person licensed to possess native cats or bears
7 pursuant to this subsection shall control and restrain the wildlife
8 so that there is no direct contact between the public and the
9 wildlife, and the public shall not be allowed to enter into any
10 enclosures occupied by the wildlife.

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

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

1 To obtain a nonresident cat/bear temporary exhibitor's permit the
2 person shall be required to hold a valid exhibitor's license issued
3 by the United States Department of Agriculture.

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

20 3. Any person with a permit to exhibit native cats or bears
21 pursuant to paragraph 1 or 2 of this subsection shall at all times
22 keep the wildlife controlled and restrained in a manner so the life,
23 limb, or property of any person lawfully entering the premises where

1 the wildlife is being exhibited shall not be endangered by the
2 wildlife. Any person with a permit to exhibit native cats or bears
3 pursuant to paragraph 1 or 2 of this subsection shall control and
4 handle the wildlife so there is no direct contact between the public
5 and the wildlife, and the public shall not be allowed to enter into
6 any enclosures occupied by the wildlife. Any native cat or bear and
7 any facility covered under a permit issued pursuant to paragraph 1
8 or 2 of this subsection shall be available for inspection at all
9 reasonable times by authorized representatives of the Department.

10 G. Any person convicted of violating the provisions of this
11 section shall be punished by a fine of not less than ~~One Hundred~~
12 ~~Dollars (\$100.00);~~ Five Hundred Dollars (\$500.00) and, if
13 applicable, shall have ~~his~~ the wildlife license of the person
14 revoked. No ~~such~~ person whose license has been revoked shall be
15 eligible to obtain a new license until after the date on which the
16 revoked license would have expired.

17 SECTION 3. AMENDATORY 29 O.S. 2001, Section 5-602, is
18 amended to read as follows:

19 Section 5-602. A. ~~All~~ Except for native cats or bears which
20 are exhibited under an exhibitor's permit issued to a person
21 pursuant to Section 4-107 of this title, all furbearers, ~~except~~
22 ~~mink,~~ game mammals, game birds, game fish and minnows raised under
23 the provisions of this Code ~~are hereby required to~~ shall be confined

1 to the lands or waters described in the application, and ~~such~~ the
2 wildlife ~~must~~ shall be confined in ~~such~~ a manner as to prohibit
3 mammals, birds and fish belonging to the State of Oklahoma from
4 becoming part of the enterprise.

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

9 SECTION 4. AMENDATORY 29 O.S. 2001, Section 7-502, as
10 amended by Section 3, Chapter 346, O.S.L. 2002 (29 O.S. Supp. 2002,
11 Section 7-502), is amended to read as follows:

12 Section 7-502. A. Except as otherwise provided by law, no
13 person may possess:

14 1. Any wildlife or parts thereof during the closed season for
15 that particular wildlife species;

16 2. Any endangered or threatened species or parts thereof at any
17 time; or

18 3. Any native bear or native cat that will grow to reach the
19 weight of fifty (50) pounds or more.

20 B. Persons exempt from provisions of paragraphs 1 and 2 of
21 subsection A of this section are:

22 1. Persons storing lawfully taken wildlife in any home freezer
23 or cold storage locker;

1 2. Persons possessing items including but not limited to hides,
2 heads or horns as specimens or trophies;

3 3. Persons possessing wild waterfowl taken in compliance with
4 and under provisions of federal laws pertaining thereto; or

5 4. Persons possessing legally obtained wildlife, from a source
6 other than the wild, as pets or for the purpose of training hunting
7 dogs, except as otherwise provided for by law or under rules
8 promulgated by the Wildlife Conservation Commission.

9 C. Persons possessing products for human consumption that have
10 been taken, processed, labeled and transported in accordance with
11 the laws of the state of origin and federal law shall be exempt from
12 the provisions of paragraphs 1 and 2 of subsection A of this
13 section. Provided:

14 1. The person processing or offering the product for sale shall
15 retain all necessary documents to evidence the state of origin of
16 the wildlife product; and

17 2. Nothing in this subsection shall allow a person to sell
18 protected wildlife taken in this state except as otherwise provided
19 by law.

20 D. It shall be unlawful for any person to have in their
21 possession any meat, head, hide, or any part of the carcass of any
22 wildlife not legally taken.

1 E. The applicable commercial or noncommercial wildlife ~~breeders~~
2 breeder's license shall be obtained if any wildlife is being
3 propagated.

4 F. Possession of game during the closed season, except as above
5 provided, shall be prima facie evidence that such was taken in a
6 closed season.

7 G. Any person convicted of violating any provision of this
8 section shall be punished by a fine of not less than One Hundred
9 Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or
10 by imprisonment in the county jail not to exceed thirty (30) days,
11 or by both such fine and imprisonment.

12 **SECTION 5.** The provisions of this act shall not be construed to
13 apply to circuses.

14 **SECTION 6.** This act shall become effective July 1, 2003.

15 **SECTION 7.** It being immediately necessary for the preservation
16 of the public peace, health and safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

19 COMMITTEE REPORT BY: COMMITTEE ON TOURISM & WILDLIFE, dated 4-3-03 -
20 DO PASS, As Amended.