

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2077

By: Ellis, Brannon, Hilliard,
Hyman, Liotta, Miller
(Ray), Roan, Shoemake,
Smithson, Walker and
Wesselhoft of the House

and

Shurden of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to game and fish; amending 29 O.S. 2001, Section 4-136, as amended by Section 1, Chapter 174, O.S.L. 2002 (29 O.S. Supp. 2005, Section 4-136), which relates to special use permits; adding exemption from permitting requirements for certain persons serving in the United States Armed Services; amending 29 O.S. 2001, Section 7-204, which relates to ownership of wildlife; requiring a wildlife drive be conducted on certain tracts of land prior to final enclosure with certain fencing; requiring Department of Wildlife Conservation employees to be present at and approve any drive; providing penalty for violations; and declaring an emergency.

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

SECTION 1. AMENDATORY 29 O.S. 2001, Section 4-136, as amended by Section 1, Chapter 174, O.S.L. 2002 (29 O.S. Supp. 2005, Section 4-136), is amended to read as follows:

Section 4-136. A. The Wildlife Conservation Commission may establish an annual special use permit which would be required of all persons who hunt or fish or otherwise use private lands leased and administered by the Department of Wildlife Conservation. The Department shall not require a special use permit for persons traveling through such private land in a motor vehicle, unless the person is also involved in hunting or fishing or other use of the private land for which a special permit is required. The Commission

may establish a three-day special use permit which would allow residents to use the private land administered by the Department of Wildlife Conservation for nonhunting- or nonfishing-related activities for up to three (3) consecutive days.

B. The Commission may establish and assess a fee for an annual resident and nonresident special use permit or a three-day resident special use permit to use the private land in four thousand (4,000) acre blocks or larger leased and administered by the Department. The fee for the annual special use permit for residents shall not exceed Twenty-five Dollars (\$25.00). The fee for the three-day special use permit for residents shall not exceed Five Dollars (\$5.00). The fees from permits purchased pursuant to the provisions of this section shall be expended by the Department exclusively for developing, managing, preserving, and protecting wildlife and wildlife habitat on the private land leased and administered by the Department.

C. The following persons shall be exempt from the permit requirements of this section:

1. Legal residents of Oklahoma who are under eighteen (18) years of age on the first day of the current calendar year ~~or are;~~

2. Legal residents of Oklahoma who are sixty-four (64) years of age or older shall be exempt from the permit requirements of this section.

~~D. The following persons shall be exempt from the permit requirements of this section.;~~

3. Legal residents of Oklahoma serving in a branch of the United States Armed Forces;

~~4.~~ 4. Persons participating in a nonhunting or nonfishing event or activity sponsored or organized by an established nonprofit religious organization which used the private land for events or activities prior to establishment of the special use permit;

~~2.~~ 5. Students participating in educational tours or educational activities sponsored or organized by an educational institution; and

~~3.~~ 6. Persons participating in a nonhunting or nonfishing event or activity sponsored or organized by an established geological or mineralogical organization if the private landowner has given written permission authorizing the event or activity.

The nonprofit religious organization or educational institution sponsoring or organizing the event or activity shall provide notice of the date and the number of persons participating in the event or activity to the Department not less than twenty (20) days prior to the date of the event or activity.

SECTION 2. AMENDATORY 29 O.S. 2001, Section 7-204, is amended to read as follows:

Section 7-204. A. All wildlife found in this state is the property of the state.

B. Prior to final enclosure of any tract of land of more than two (2) acres in size with a fence designed for the purpose of or capable of confining deer or other wildlife, a drive shall be conducted throughout the area to be enclosed in order to make a reasonable effort to ensure that no wild whitetail deer, mule deer, elk, antelope, or other big game are present within the area to be enclosed. The drive shall be made in the presence of and to the satisfaction of designated Department of Wildlife Conservation employees.

C. A violation of the provisions of subsection B of this section shall be a misdemeanor, punishable by a fine of One Thousand Dollars (\$1,000.00) per acre for every acre enclosed in violation of this section.

SECTION 3. 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.

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