ENROLLED HOUSE
BILL NO. 2621

By: Walker, Turner and Covey of the House

and

Wyrick of the Senate

An Act relating to wildlife; creating the Oklahoma Farmed Cervidae Act; providing definitions; authorizing agents of the Oklahoma Department of Agriculture, Food, and Forestry to enter premises for certain purposes; authorizing agent of the Department of Wildlife Conservation to enter and inspect premises for certain purposes; limiting applications of the act; providing for jurisdiction over commercial hunting facilities; authorizing the State Board of Agriculture to promulgate rules and implement fees; stating powers and authority of the Oklahoma Department of Agriculture, Food, and Forestry; prohibiting breeding and possession of cervidae for certain purpose without a license; listing requirements for a farmed cervidae license; providing for application and licensing process; requiring farmed cervidae to be confined in certain manner; allowing for coordination of inspections; directing owners to take reasonable steps to return escaped cervidae; requiring notification of an escape; authorizing the Department of Wildlife Conservation to destroy escaped cervidae; allowing escaped cervidae to be taken; limiting liability; making certain action unlawful and violation of the act; allowing the slaughter of farmed cervidae at any time; allowing the sale or disposal of hides or antlers from slaughtered farmed cervidae; providing for penalty for violation of the act; prohibiting new registration or permit for certain period after cancellation or revocation; providing for penalty for violation of Oklahoma Wildlife Conservation Code; allowing the State Veterinarian to issue emergency orders in certain circumstances; requiring immediate compliance with emergency order; providing for hearing of emergency order; providing for appeal of final order; amending 29 O.S. 2001, Section 3-103, which relates to the powers and duties of the Wildlife Conservation Commission; updating and clarifying statutory language; deleting regulation requirements of exotic livestock; amending 29 O.S. 2001, Section 3-201, as amended by Section 1, Chapter 287, O.S.L. 2003 (29 O.S. Supp. 2005, Section 3-201), which relates to game wardens; updating and clarifying statutory language; amending 29 O.S. 2001, Section 4-106, as amended by Section 1, Chapter 94, O.S.L. 2003 (29 O.S. Supp. 2005, Section 4-106),

which relates to commercial hunting area licenses; changing fee for big game or combination big game and upland game commercial hunting area license; updating statutory language; amending 29 O.S. 2001, Section 4-107, as last amended by Section 1, Chapter 376, O.S.L. 2004 (29 O.S. Supp. 2005, Section 4-107), which relates to commercial wildlife breeder's license; amending 29 O.S. 2001, Section 4-112, as last amended by Section 12 of Enrolled House Bill No. 3139 of the 2nd Session of the 50th Oklahoma Legislature, which relates to hunting licenses; deleting nonresident commercial hunting area big game ten-day permit; requiring nonresidents hunting in certain commercial hunting area to have nonresident hunting license; exempting residents hunting in certain commercial hunting areas from deer gun, archery, and primitive firearms hunting licenses and elk or antelope hunting licenses; deleting nonresident commercial hunting area big game ten-day permit fee; amending 29 O.S. 2001, Section 4-121, as amended by Section 3, Chapter 94, O.S.L. 2003 (29 O.S. Supp. 2005, Section 4-121), which relates to noncommercial wildlife breeders license; providing an exemption pursuant to the act; amending 29 O.S. 2001, Section 5-411, which relates to hunting, selling, and buying certain wildlife; providing an exemption for farmed cervidae facilities licensed under the act; modifying exemptions to prohibition to sell or buy certain wildlife; adding an exemption to possession of meat or parts of wildlife prohibition for licensed farmed cervidae facilities; amending 29 O.S. 2001, Section 5-414, which relates to white deer; providing an exception to hunting prohibition for farmed white deer; amending 29 O.S. 2001, Section 7-502, as last amended by Section 4, Chapter 188, O.S.L. 2003 (29 O.S. Supp. 2005, Section 7-502), which relates to general prohibition on possession of wildlife; exempting persons possessing farmed cervidae and licenses pursuant to the act; requiring persons to retain documents to evidence state of origin of farmed cervidae products; amending 29 O.S. 2001, Section 7-602, which relates to general prohibition against transporting wildlife; providing an exception for farmed cervidae licensed pursuant to the act; amending 29 O.S. 2001, Section 7-801, which relates to exotic wildlife; deleting Commission authority to regulate exotic wildlife; deleting authorization to confiscate and dispose of certain bears and cats; providing for codification; and providing an effective date.

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 6-501 of Title 2, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the “Oklahoma Farmed Cervidae Act”.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-502 of Title 2, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Farmed Cervidae Act:

1. “Cervid”, “cervidae”, and “deer” mean any member of the cervidae family;

2. “Commercial” means to manage on a business basis or engage in any transaction or exchange for consideration including barter, the offer to sell, or possession with intent to sell for profit or monetary gain;

3. “Farmed cervidae” means all species of the cervid family and hybrids including white-tailed deer, elk, mule deer, red deer, or any other member of the family cervidae specified in rule by the State Board of Agriculture with written concurrence of the Department of Wildlife Conservation that are raised or maintained within a perimeter fence or confined space for the production of meat and other agricultural products, sport, exhibition, personal use, or any other purpose. Farmed cervidae shall not include cervidae in a commercially licensed hunting facility;

4. “Farmed cervidae facility” means any private or public premises that contain one or more privately owned cervidae and the privately owned cervidae are not removed from the premises through hunting;

5. “Native cervidae” means any and all cervidae that are indigenous to Oklahoma or are living in a state of nature;

6. “Noncommercial” means to manage for personal enjoyment and personal use;

7. “Operator” means the person who performs the daily farmed cervidae management functions;

8. “Owner” means a person with legal title to a farmed cervid or herd of farmed cervidae; and

9. “Premises” means the ground, area, buildings, water source and equipment commonly shared by a herd of cervidae.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-503 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. Authorized agents of the Oklahoma Department of Agriculture, Food, and Forestry shall have the authority to enter any premises or mode of transportation as authorized pursuant to Section 2-14 of Title 2 of the Oklahoma Statutes for the purpose of implementing or enforcing the Oklahoma Farmed Cervidae Act, or rules promulgated pursuant thereto.

B. Authorized agents of the Department of Wildlife Conservation shall have the authority to enter and inspect any premises pursuant to Section 3-201 of Title 29 of the Oklahoma Statutes for the purpose of implementing and enforcing the Oklahoma Wildlife Conservation Code or rules promulgated pursuant thereto.

C. The Oklahoma Farmed Cervidae Act shall not apply to the regulation of facilities owned and operated for the purpose of commercial hunting of farmed or captive-bred cervidae. Commercial hunting facilities shall remain under the jurisdiction of the Department of Wildlife Conservation.

D. The State Board of Agriculture is authorized to promulgate rules necessary, expedient, or appropriate for the performance, enforcement, or carrying out of any of the purposes, objectives, or provisions of the Oklahoma Farmed Cervidae Act, including the establishment of fees. All fees shall be fair and equitable to all parties concerned. Rules shall be promulgated pursuant to the Administrative Procedures Act.

E. The Oklahoma Department of Agriculture, Food, and Forestry shall have the authority to:

1. Issue, renew, deny, modify, suspend, cancel, and revoke any registration, permit, certificate, license, identification, or order issued pursuant to the provisions of the Oklahoma Farmed Cervidae Act;

2. Issue entry or import permits to any person transporting farmed cervidae into this state;

3. Investigate complaints and violations of the Oklahoma Farmed Cervidae Act;

4. Issue quarantines, initiate control measures, confiscate, and destroy farmed cervidae that present a danger to native cervidae, other animals, or to the public safety or welfare; and

5. Exercise all incidental powers as necessary and proper to implement and enforce the provisions of the Oklahoma Farmed Cervidae Act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-504 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. No person may breed, possess, or raise cervidae for commercial or noncommercial purposes without first obtaining a farmed cervidae license from the Oklahoma Department of Agriculture, Food, and Forestry.

B. A farmed cervidae license may be issued to any person that lawfully obtains cervidae, acts in good faith, and adheres to the laws of the State of Oklahoma.

C. All persons issued a farmed cervidae license shall abide by all provisions of the Oklahoma Farmed Cervidae Act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-505 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Agriculture shall promulgate rules regarding the application and licensing process, including but not limited to:

1. The expiration date of a farmed cervidae facility license;

2. Fees for farmed cervidae facility licenses and all renewals;

3. Procedures for the transfer of ownership;

4. Record-keeping requirements;

5. Importation requirements;

6. Animal identification requirements;

7. Fencing requirements and limits on the size of licensed facilities; and

8. Flushing procedures prepared with the input from the Department of Wildlife Conservation to ensure no native cervidae remain in a newly established licensed enclosure.

B. Any application for a farmed cervidae license shall be on a form prescribed by the Oklahoma Department of Agriculture, Food, and Forestry.

C. All farmed cervidae shall be confined to the lands described in the application for a specific facility and in a manner to prohibit:

1. Native cervidae from becoming part of a licensed farmed cervidae facility; and

2. Farmed cervidae from commingling with native cervidae.

D. When practicable the initial or annual inspection shall be coordinated with the owner or operator. In no case shall access by the Department be restricted in the event coordination does not occur.

E. The Department and the Department of Wildlife Conservation may coordinate and conduct inspections or investigations jointly.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-506 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. An owner or operator shall ensure farmed cervidae do not run at large and shall take all reasonable efforts to return any escaped farmed cervidae to their enclosures as soon as possible.

B. The owner or operator shall immediately notify the Oklahoma Department of Agriculture, Food, and Forestry and the local game warden of the Department of Wildlife Conservation if farmed cervidae escape.

C. If an owner or operator is unwilling or unable to capture escaped farmed cervidae, the Department of Wildlife Conservation has the authority to destroy the escaped farmed cervidae.

D. Any farmed cervidae that escape from a farmed cervidae facility and are taken by a licensed hunter in a manner that complies with the Oklahoma Wildlife Conservation Code shall be considered a legal taking and neither the licensed hunter, the state, nor any state agency shall be liable to the owner for taking the escaped farmed cervidae.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-507 of Title 2, unless there is created a duplication in numbering, reads as follows:

It shall be unlawful and a violation of the Oklahoma Farmed Cervidae Act for any person:

1. To refuse an inspection authorized by the Oklahoma Farmed Cervidae Act;

2. To commingle or integrate any native cervidae into a farmed cervidae herd;

3. To intentionally commingle or integrate any farmed cervidae with native cervidae;

4. To fail to maintain records as required by law;

5. To fail to maintain fencing as required by law;

6. To fail to pay any fee, fine, or penalty as required and established pursuant to the Oklahoma Farmed Cervidae Act;

7. To fail to comply with any State Board of Agriculture order; or

8. To violate any provision of the Oklahoma Farmed Cervidae Act.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-508 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. Owners and operators of licensed farmed cervidae facilities may slaughter farmed cervidae at any time throughout the year provided they comply with all requirements in rules promulgated by the State Board of Agriculture with input from the Department of Wildlife Conservation.

B. Owners and operators of licensed farmed cervidae facilities may sell, use, or dispose of hides or antlers from slaughtered farmed cervidae, provided they comply with all requirements in rules promulgated by the State Board of Agriculture with input from the Department of Wildlife Conservation.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-509 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. The assessment of an administrative or criminal penalty for violations of the Oklahoma Farmed Cervidae Act shall be pursuant to Section 2-18 of Title 2 of the Oklahoma Statutes.

B. Any person with a registration, permit, certificate, license, identification, or order that is canceled or revoked by the Oklahoma Department of Agriculture, Food, and Forestry shall be prohibited from obtaining a new registration, permit, certificate, license, identification, or order until after the date the canceled or revoked registration, permit, certificate, license, identification, or order would have expired.

C. Any person that violates the provisions of the Oklahoma Wildlife Conservation Code contained in Title 29 of the Oklahoma Statutes shall be subject to the administrative and criminal provisions contained in the Oklahoma Wildlife Conservation Code.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-510 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. Whenever the State Veterinarian finds that an emergency exists requiring immediate action to protect the public health or welfare or to protect farmed or native cervidae from any animal disease or pest, the State Veterinarian may without notice or hearing issue an order that shall be effective upon issuance, reciting the existence of an emergency and requiring that immediate action be taken to meet the emergency.

B. Any person to whom an emergency order is directed shall comply immediately but may request an administrative enforcement hearing within fifteen (15) days after the order is served.

C. The administrative enforcement hearing shall be held by the Oklahoma Department of Agriculture, Food, and Forestry within ten (10) working days after receipt of the request.

D. With the input of the Department of Wildlife Conservation, the State Board of Agriculture shall affirm, revoke, or modify the emergency order based on the hearing record.

E. Any person aggrieved by the final order may, pursuant to the Administrative Procedures Act, petition for a judicial review of the final order.

F. The appeal when docketed shall have priority over all cases pending on the docket, other than criminal.

SECTION 11. AMENDATORY 29 O.S. 2001, 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 for the protection, restoration, perpetuation, conservation, supervision, maintenance, enhancement, and management of wildlife in this state as provided in the Oklahoma Wildlife Conservation Code ~~except for the importation of exotic livestock into the State of Oklahoma pursuant to the provisions of this section. The importation of exotic livestock into this state shall be regulated by the State Board of Agriculture pursuant to the Agricultural Code in the same manner and~~

~~with the same authority over livestock as is delegated to the Board by this title~~.

B. The Director shall consult with the Commission regarding the administration of the affairs of the Department of Wildlife Conservation. The Commission is authorized and empowered to require from the Director complete reports and information relative to the affairs of the Department at ~~such~~ the time and in ~~such~~ the manner ~~as~~ the Commission may deem advisable.

C. The Commission shall meet on the first Monday in each month in regular session and in special sessions as may be called by the Chair or a majority of the Commission. 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~~ and 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~~ the meeting. The advertisements shall include time, date, and address of location of the meeting.

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

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

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

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

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

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

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;

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;

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;

9. Prescribe the manner of cooperation with the Oklahoma 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;

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~~ Department of Central Services;

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

12. Prescribe rules on the use of Department-owned vehicles ~~owned by the Department~~ by the Director, department heads and other essential employees as the Commission deems necessary in order to perform their duties;

13. Prescribe rules for the sale of all regular or special licenses;

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

15. Regulate the seasons and harvest of wildlife;

16. Promulgate rules to sell fishing and hunting licenses via the Internet;

17. 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

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

SECTION 12. AMENDATORY 29 O.S. 2001, Section 3-201, as amended by Section 1, Chapter 287, O.S.L. 2003 (29 O.S. Supp. 2005, Section 3-201), is amended to read as follows:

Section 3-201. A. All things being equal, veterans of World War II, the Korean, the Vietnam and Persian Gulf Wars shall be appointed as game wardens when vacancies ~~shall~~ occur.

B. All persons appointed game wardens shall be peace officers and have the full powers of peace officers of the State of Oklahoma in the enforcement of the provisions of this Code~~. Game wardens shall have the authority~~ and are authorized to ~~enforce~~:

1. Enforce all state laws on Department-owned or Department-managed lands~~. Game wardens shall also enforce~~;

2. Enforce all other laws of this state~~. Moreover, game wardens specifically:~~;

~~1. Are vested with the power and authority of sheriffs in making~~ 3. Make arrests for wildlife conservation violations and

nonconservation-related crimes with the same power and authority as sheriffs are vested with and in cooperation with other law enforcement officers and agencies;

~~2. May take~~ 4. Take into possession any and all protected wildlife, or any part thereof, killed, taken, shipped or ~~had~~ in any possession contrary to the law, ~~such~~ and the wildlife or parts thereof ~~to~~ may be disposed of as ~~may be~~ determined by the Director or any court of competent jurisdiction;

~~3. May make~~ 5. Make a complaint and cause proceedings to be commenced against any person for violation of any of the laws for the protection and propagation of wildlife, with the sanction of the prosecuting or district attorney of the county in which ~~such~~ the proceedings are brought, and shall not be required to give security for costs;

~~4. May be~~ 6. Be an authorized agent of the Commission or Department under Section 3-202 of this title in addition to ~~his or her~~ duties as a game warden; and

~~5. May assist~~ 7. Assist in enforcement of the state fire laws, upon request of the Oklahoma Department of Agriculture, Food, and Forestry.

C. 1. Pursuant to the provisions of this subsection, a game warden may operate a vehicle owned or leased by the Department upon a roadway during the hours of darkness without lighted headlamps, clearance lamps, or other illuminating devices. As used in this paragraph, "roadway" shall include any street or highway in this state except an interstate highway, a limited access highway, a state trunk highway, or any street or highway within the limits of an incorporated area.

2. Pursuant to the provisions of this subsection, a game warden may operate a vessel upon any waters of this state during the hours of darkness without the illuminating devices required by Section 4207 of Title 63 of the Oklahoma Statutes.

3. A game warden may operate ~~such~~ a vehicle or vessel without the illuminating devices specified in ~~paragraphs 1 and 2 of~~ this subsection only if ~~such~~ the operation:

a. is made in the performance of the duties of the game warden pursuant to the provisions of the Code, and

b. (1) will aid in the accomplishment of a lawful arrest for any violation of the Oklahoma Wildlife Code or any rule or regulation promulgated thereto, or

(2) will aid in ascertaining whether a violation of the Oklahoma Wildlife Conservation Code or any rule or regulation promulgated thereto has been or is about to be committed.

D. Any person who refuses to stop a vehicle or boat when requested to do so by a game warden in the performance of the duties of ~~such~~ the game warden is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00).

E. Any game warden who solicits or accepts any bribe or money or other thing of value in connection with the performance of ~~the duties entrusted to him~~ duty as a game warden shall be guilty of a felony and, upon conviction, shall be sentenced to a term not less than two (2) years nor more than seven (7) years in the ~~State Penitentiary~~ custody of the Department of Corrections and shall be summarily removed from office.

SECTION 13. AMENDATORY 29 O.S. 2001, Section 4-106, as amended by Section 1, Chapter 94, O.S.L. 2003 (29 O.S. Supp. 2005, 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)~~ Five Hundred Dollars ($500.00).

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.

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.

H. Any person convicted of violating the provisions of this section shall have ~~his~~ the commercial hunting area 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.

I. The Department is authorized to promulgate rules pertaining to commercial hunting areas.

SECTION 14. AMENDATORY 29 O.S. 2001, Section 4-107, as last amended by Section 1, Chapter 376, O.S.L. 2004 (29 O.S. Supp. 2005, Section 4-107), is amended to read as follows:

Section 4-107. A. Except as otherwise provided for in this title or in the Oklahoma Farmed Cervidae Act, 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~~ obtaining a commercial wildlife breeder’s license 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. 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~~ cat or 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~~ cat or 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~~ cat or 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~~ cat or 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~~ cat or bear exhibitor's permit shall be Fifty Dollars ($50.00) and shall be valid for one (1) year. To obtain a resident ~~cat/bear~~ cat or 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 15. AMENDATORY 29 O.S. 2001, Section 4-112, as last amended by Section 12 of Enrolled House Bill No. 3139 of the 2nd Session of the 50th Oklahoma Legislature, is amended to read as follows:

Section 4-112. A. Except as otherwise provided for in the Oklahoma Wildlife Conservation Code or the Oklahoma Farmed Cervidae Act, 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 ~~State Wildlife Conservation Director or from any authorized agents of the~~ Department of Wildlife Conservation. The Wildlife Conservation Commission shall designate a consecutive Saturday and Sunday in September of each year as free hunting days in which residents of this state may hunt without first procuring a hunting license pursuant to the provisions of this section.

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;

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

3. Legal residents born on or before January 1, 1923;

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

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

6. 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~~ having in ~~their~~ his or her possession proper written evidence showing such authorized leave~~,~~ and ~~who is~~ serving outside the State of Oklahoma at the time of ~~such~~ the hunting;

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

8. Legal residents having a proven disability which renders them nonambulatory and confines them to a wheelchair, as certified by a physician licensed in this state or in any state which borders this state;

9. Any person under eighteen (18) years of age who is in the physical custody of a child care facility as defined by Section 402 of Title 10 of the Oklahoma Statutes; and

10. Any person hunting, pursuing, trapping, harassing, catching, killing, taking, or attempting to take in any manner any species of rattlesnake during an organized rattlesnake-hunting event or festival and who has a rattlesnake permit issued pursuant to Section ~~5~~ 4-143 of this ~~act~~ title.

C. Except as otherwise provided for in this 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, One Hundred Thirty-six Dollars ($136.00); for deer, Two Hundred Dollars ($200.00); for antelope and elk, Three Hundred Dollars ($300.00). There shall be no exemptions for deer, antelope, elk, or turkey. Any nonresident ~~with a~~ hunting in a big game or combination big game and upland game commercial hunting area ~~big game ten-day permit as provided for in paragraph 3 of subsection D of this section~~ shall ~~not~~ be required to have an annual nonresident hunting license pursuant to this subparagraph, and the fee shall be One Hundred Thirty-six Dollars ($136.00). For a five-day nonresident hunting license to hunt game other than deer, antelope, elk, turkey, or pheasant, the fee shall be Forty-one Dollars and fifty cents ($41.50).

b. Annual combination hunting licenses for nonresidents hunting one antlered and one antlerless deer, Two Hundred Fifty Dollars ($250.00); for nonresidents hunting an additional antlerless deer, Fifty Dollars ($50.00) which shall be valid only on private lands not managed by the Department of Wildlife Conservation.

c. 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 Land Acquisition Fund created pursuant to the provisions of Section 4-132 of this title.

2. Disability hunting license, residents of this state for at least six (6) months and who are receiving Social Security Disability benefits, Supplemental Security Income benefits or disability benefits under the Railroad Retirement Act, 45 U.S.C.A., Section 231a or residents who are one hundred percent (100%) disabled and are receiving disability payments from the Multiple Injury Trust Fund pursuant to Section 173 of Title 85 of the Oklahoma Statutes, may purchase a disability hunting license from the Director for Ten Dollars ($10.00) for five (5) years.

3. Deer gun hunting license, residents, Nineteen Dollars ($19.00). There shall be no exemptions except ~~for~~:

a. 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 ~~and for~~,

b. legal residents of Oklahoma under eighteen (18) years of age provided such residents shall be required to pay a deer gun hunting license fee of Nine Dollars ($9.00)~~. In addition~~,

c. residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in receipt of compensation at the one-hundred-percent rate shall be exempt from the fees specified pursuant to this paragraph, and

d. residents hunting in big game or combination big game and upland game commercial hunting areas shall be exempt from the fees specified pursuant to this paragraph.

4. Deer archery hunting license, residents, Nineteen Dollars ($19.00). ~~No~~ There shall be no exemptions except residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in receipt of compensation at the one-hundred-percent rate and residents hunting in big game or combination big game and upland game commercial hunting areas shall be exempt from the fees specified pursuant to this paragraph.

5. Primitive firearms license, residents, Nineteen Dollars ($19.00). ~~No~~ There shall be no exemptions except residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in receipt of compensation at the one-hundred-percent rate and residents hunting in big game or combination big game and upland game commercial hunting areas shall be exempt from the fees specified pursuant to this paragraph.

6. Elk or antelope hunting license, residents, Fifty Dollars ($50.00). ~~No~~ There shall be no exemptions except residents hunting in big game or combination big game and upland game commercial hunting areas shall be exempt from the fees specified pursuant to this paragraph.

7. Bonus, special or second deer gun hunting license, residents, Nineteen Dollars ($19.00). No exemptions except ~~for~~:

a. 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~~,

b. persons with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled

veteran in receipt of compensation at the one-hundred-percent rate shall be exempt from the fees specified pursuant to this paragraph, and

c. residents hunting in big game or combination big game and upland game commercial hunting areas 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. For legal residents eighteen (18) years of age and older, Nineteen Dollars ($19.00); for legal residents sixteen (16) or seventeen (17) years of age, Four Dollars ($4.00); and

2. Commercial hunting area small game ten-day permit, resident or nonresident, Five Dollars ($5.00)~~; and~~

~~3. Commercial hunting area big game ten-day permit, resident or nonresident, Two Hundred One Dollars ($201.00) plus Ten Dollars ($10.00) for each additional deer license, of any type, that may be purchased from the commercial hunting area. The commercial hunting area may obtain the licenses from the Director for use at the commercial hunting area~~.

E. The provisions of this section shall not be construed to require a hunting license, resident or nonresident, of any person merely because the person 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 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~~ that 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~~ the temporary substitute license. The fee for a substitute license purchased pursuant to the provisions of this subsection shall be:

a. for legal residents, Fifty Dollars ($50.00), and

b. for nonresidents, One Hundred Forty-five Dollars ($145.00).

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.

G. Any person producing proof in court that a current hunting license issued by the Department of Wildlife Conservation to ~~such~~ that 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 Two Hundred Dollars ($200.00), 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 16. AMENDATORY 29 O.S. 2001, Section 4-121, as amended by Section 3, Chapter 94, O.S.L. 2003 (29 O.S. Supp. 2005, Section 4-121), is amended to read as follows:

Section 4-121. A. Except as otherwise provided in this title or in the Oklahoma Farmed Cervidae Act, 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~~ Licenses may be issued to any person ~~whom the Director believes to be acting~~ that lawfully obtains wildlife, acts in good faith and ~~whom he believes does not intend to use such license for the purpose of violating any of~~ adheres to 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 17. AMENDATORY 29 O.S. 2001, Section 5-411, is amended to read as follows:

Section 5-411. A. 1. ~~No~~ Except for owners and operators of farmed cervidae facilities licensed pursuant to the Oklahoma Farmed Cervidae Act, no person, including but not limited to persons licensed for commercial hunting or wildlife breeders, may hunt, chase, capture, shoot, shoot at, wound, attempt to take or take, attempt to kill or kill, or slaughter an antelope, moose, whitetail or mule deer, bear, elk, mountain lion, rocky mountain bighorn sheep, wild turkey, or any subspecies except in open season under Section 5-401 of this title.

2. No person shall sell, offer for sale or buy or offer to buy an antelope, moose, whitetail or mule deer, bear, elk, mountain lion, rocky mountain bighorn sheep, wild turkey, or any subspecies or any parts thereof, except as ~~otherwise~~ provided by:

a. rules prescribed by the ~~Oklahoma~~ Wildlife Conservation Commission ~~or by law~~,

b. any federal laws or regulations, or

c. the Oklahoma Farmed Cervidae Act.

3. The provisions of this subsection shall not be construed to prevent a hide, antlers or horns from a legally taken whitetail or mule deer, elk, moose, antelope or Rocky Mountain bighorn sheep from being sold or traded by a person who legally harvested or who legally possesses the hide, antlers or horns, including a person who has obtained legal possession of the hide, antlers, or horns after being given to the person for taxidermic preparation. Any antlers or horns sold or traded pursuant to this subsection shall have been removed from the skull of the animal in such a way as to leave no portion of the skull attached.

B. 1. It shall be unlawful for any person to have in their possession any meat, head, hide or any part of the carcass of any wildlife not legally taken.

2. Any meat, head, hide or any part of the carcass of any wildlife not legally taken shall be subject to immediate seizure by a game warden.

3. The provisions of this subsection shall not apply to privately owned~~,~~ domesticated animals ~~so~~ designated by the ~~Oklahoma~~ Wildlife Conservation Commission or farmed cervidae facilities licensed pursuant to the Oklahoma Farmed Cervidae Act.

C. Persons excepted from the provisions of this section are:

1. Department employees when in the performance of their duties; and

2. Authorized agents when appointed under Section 3-202 of this title.

SECTION 18. AMENDATORY 29 O.S. 2001, Section 5-414, is amended to read as follows:

Section 5-414. A. ~~No~~ Except for white deer that are farmed cervidae regulated pursuant to the Oklahoma Farmed Cervidae Act, no person may possess, hunt, chase, harass, capture, shoot at, wound or kill, take or attempt to take, trap or attempt to trap a white deer without specific written permission of the Director of Wildlife Conservation.

B. Any person convicted of willfully violating any of the provisions of this section shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both ~~the fine and imprisonment~~.

C. For purposes of this section, a "white deer" is any whitetail or mule deer exhibiting a deficient pigmentation condition known as albinism or with a genetic mutation which results in the piebald coloration of the animal.

SECTION 19. AMENDATORY 29 O.S. 2001, Section 7-502, as last amended by Section 4, Chapter 188, O.S.L. 2003 (29 O.S. Supp. 2005, Section 7-502), is amended to read as follows:

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

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

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

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

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

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

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

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

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

5. Persons possessing farmed cervidae and licensed pursuant to the Oklahoma Farmed Cervidae Act.

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

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

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

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

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

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

G. Any person convicted of violating any provision 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 not to exceed thirty (30) days, or by both ~~such fine and imprisonment~~.

SECTION 20. AMENDATORY 29 O.S. 2001, Section 7-602, is amended to read as follows:

Section 7-602. A. Except as otherwise provided by law, no person may ship into or out of, transport into or out of, have in possession with the intent to so transport, or cause to be removed from this state:

1. Any wildlife or parts thereof, nests of ~~such~~ wildlife, their eggs or their young; or

2. Any endangered or threatened species.

B. Exceptions to paragraph 1 of subsection A of this section are:

1. Dead fish or wildlife legally taken by licensed hunters or fishermen for noncommercial purposes ~~only~~ may be possessed, shipped, or transported into or within the borders of this state if it is accompanied by or has attached the appropriate certificate, license or tag ~~under such rules and regulations~~ as may be required~~.~~ by the Oklahoma Wildlife Conservation Code, rules, or the laws of another state;

2. Rough fish products that have been completely processed into food ~~and/or~~ or other products that ~~such~~ legally taken fish may yield may be exported from the state~~.~~;

3. Any rough fish taken by licensed commercial fishermen who have been issued a special permit as required by Section 4-105 of this title by the Director may be shipped, transported or exported pursuant to ~~such~~ the permit~~.~~;

4. Any fish or wildlife lawfully bred or propagated may be shipped or transported within the confines of this state or exported out of this state~~.~~;

5. Any wildlife for which the Director has given an individual specific written authority for its transportation into or out of the state; or

6. Any farmed cervidae licensed pursuant to the Oklahoma Farmed Cervidae Act.

C. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Fifty Dollars ($50.00) nor more than Two Hundred Dollars ($200.00), 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 ~~such fine and imprisonment~~.

SECTION 21. AMENDATORY 29 O.S. 2001, 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.

B. 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 22. This act shall become effective November 1, 2006.

Passed the House of Representatives the 3rd day of May, 2006.

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Presiding Officer of the House
of Representatives

Passed the Senate the 18th day of April, 2006.

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Presiding Officer of the Senate