

CS for EHB 2621

1 THE STATE SENATE
2 Monday, April 10, 2006

3 Committee Substitute for
4 ENGROSSED
5 House Bill No. 2621

6 COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 2621 - By: WALKER
7 of the House and WYRICK of the Senate.

8 [wildlife - Oklahoma Farmed Cervidae Act - deleting
9 regulation requirements of exotic livestock - nonresident
10 hunting license - codification - effective date]

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

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 6-501 of Title 2, unless there
14 is created a duplication in numbering, reads as follows:

15 This act shall be known and may be cited as the "Oklahoma Farmed
16 Cervidae Act".

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

20 As used in the Oklahoma Farmed Cervidae Act:

21 1. "Cervid", "cervidae", and "deer" mean any member of the
22 cervidae family;

23 2. "Commercial" means to manage on a business basis or engage
24 in any transaction or exchange for consideration including barter,

1 the offer to sell, or possession with intent to sell for profit or
2 monetary gain;

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

12 4. "Farmed cervidae facility" means any private or public
13 premises that contain one or more privately owned cervidae and the
14 privately owned cervidae are not removed from the premises through
15 hunting;

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

18 6. "Noncommercial" means to manage for personal enjoyment and
19 personal use;

20 7. "Operator" means the person who performs the daily farmed
21 cervidae management functions;

22 8. "Owner" means a person with legal title to a farmed cervid
23 or herd of farmed cervidae; and

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

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

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

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

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

22 D. The State Board of Agriculture is authorized to promulgate
23 rules necessary, expedient, or appropriate for the performance,

1 enforcement, or carrying out of any of the purposes, objectives, or
2 provisions of the Oklahoma Farmed Cervidae Act, including the
3 establishment of fees. All fees shall be fair and equitable to all
4 parties concerned. Rules shall be promulgated pursuant to the
5 Administrative Procedures Act.

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

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

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

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

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

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

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

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

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

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

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

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

- 19 1. The expiration date of a farmed cervidae facility license;
- 20 2. Fees for farmed cervidae facility licenses and all renewals;
- 21 3. Procedures for the transfer of ownership;
- 22 4. Record-keeping requirements;
- 23 5. Importation requirements;

1 6. Animal identification requirements;

2 7. Fencing requirements and limits on the size of licensed

3 facilities; and

4 8. Flushing procedures prepared with the input from the

5 Department of Wildlife Conservation to ensure no native cervidae

6 remain in a newly established licensed enclosure.

7 B. Any application for a farmed cervidae license shall be on a

8 form prescribed by the Oklahoma Department of Agriculture, Food, and

9 Forestry.

10 C. All farmed cervidae shall be confined to the lands described

11 in the application for a specific facility and in a manner to

12 prohibit:

13 1. Native cervidae from becoming part of a licensed farmed

14 cervidae facility; and

15 2. Farmed cervidae from commingling with native cervidae.

16 D. When practicable the initial or annual inspection shall be

17 coordinated with the owner or operator. In no case shall access by

18 the Department be restricted in the event coordination does not

19 occur.

20 E. The Department and the Department of Wildlife Conservation

21 may coordinate and conduct inspections or investigations jointly.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 A. Owners and operators of licensed farmed cervidae facilities
21 may slaughter farmed cervidae at any time throughout the year
22 provided they comply with all requirements in rules promulgated by

1 the State Board of Agriculture with input from the Department of
2 Wildlife Conservation.

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

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

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

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

21 C. Any person that violates the provisions of the Oklahoma
22 Wildlife Conservation Code contained in Title 29 of the Oklahoma

1 Statutes shall be subject to the administrative and criminal
2 provisions contained in the Oklahoma Wildlife Conservation Code.

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

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

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

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

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

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

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

6 SECTION 11. AMENDATORY 29 O.S. 2001, Section 3-103, is
7 amended to read as follows:

8 Section 3-103. A. The Wildlife Conservation Commission shall
9 constitute an advisory, administrative and policymaking board for
10 the protection, restoration, perpetuation, conservation,
11 supervision, maintenance, enhancement, and management of wildlife in
12 this state as provided in the Oklahoma Wildlife Conservation Code
13 ~~except for the importation of exotic livestock into the State of~~
14 ~~Oklahoma pursuant to the provisions of this section. The~~
15 ~~importation of exotic livestock into this state shall be regulated~~
16 ~~by the State Board of Agriculture pursuant to the Agricultural Code~~
17 ~~in the same manner and with the same authority over livestock as is~~
18 ~~delegated to the Board by this title.~~

19 B. The Director shall consult with the Commission regarding the
20 administration of the affairs of the Department of Wildlife
21 Conservation. The Commission is authorized and empowered to require
22 from the Director complete reports and information relative to the

1 affairs of the Department at ~~such~~ the time and in ~~such~~ the manner ~~as~~
2 the Commission may deem advisable.

3 C. The Commission shall meet on the first Monday in each month
4 in regular session and in special sessions as may be called by the
5 Chair or a majority of the Commission. The Commission may hold any
6 regular or special session at any location within this state.
7 Should a location be chosen other than Commission headquarters in
8 Oklahoma City for a regular or special meeting, notice shall be
9 posted at Commission headquarters in Oklahoma City ~~as well as being~~
10 and advertised in the local newspaper of the city in which the
11 meeting is to be held, at least one time during each of the two (2)
12 weeks prior to ~~such~~ the meeting. The advertisements shall include
13 time, date, and address of location of the meeting.

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

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

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

- 1 3. Appoint a Director, and determine the qualifications of the
2 Director and all assistants and employees. A Commissioner shall not
3 be eligible for employment in any position within the Department;
- 4 4. Prescribe rules and policies for the transaction of its
5 business and the control of the Department;
- 6 5. Develop and implement a plan to provide step raises for
7 Commission ~~Employees~~ employees so that discrepancies ~~within~~ of pay
8 levels within a pay grade ~~will be~~ are eliminated;
- 9 6. Acquire by purchase, lease, gift, or devise, waters, real
10 property, and personal property incident to the exercise of its
11 functions and to maintain, operate, and dispose of the same;
- 12 7. Acquire real property by condemnation only when the Attorney
13 General or other counsel deems it an appropriate means of clearing
14 title from willing or unavailable sellers;
- 15 8. Supervise the establishment, extension, improvement, and
16 operation of the wildlife refuges, propagation areas or stations,
17 public hunting areas, public fishing areas, game management areas,
18 and fish hatcheries;
- 19 9. Prescribe the manner of cooperation with the Oklahoma
20 Tourism and Recreation Department, colleges and universities within
21 the state, other state agencies, any agency of the federal
22 government, and any city, town, school district, or any other agency
23 or organization in study of conservation and propagation of wildlife

1 and in the establishment, maintenance, and operation of visual
2 educational facilities, recreational facilities, and hunting and
3 fishing facilities, in the study and propagation of wildlife;

4 10. Supervise the letting of all contracts and purchases for
5 the Department, with all purchases of personal property to be made
6 through the ~~Purchasing Division of the~~ Department of Central
7 Services;

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

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

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

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

18 15. Regulate the seasons and harvest of wildlife;

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

21 17. Annually report to the Governor and the Legislature on the
22 complete operation, activities, and plans of the Department,

1 together with such recommendations for future activities as the
2 Commission may deem to be in the best interest of the state; and

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

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

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

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

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

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

19 ~~1. Are vested with the power and authority of sheriffs in~~
20 ~~making~~ 3. Make arrests for wildlife conservation violations and
21 nonconservation-related crimes with the same power and authority as
22 sheriffs are vested with and in cooperation with other law
23 enforcement officers and agencies;

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

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

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

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

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

1 state trunk highway, or any street or highway within the limits of
2 an incorporated area.

3 2. Pursuant to the provisions of this subsection, a game warden
4 may operate a vessel upon any waters of this state during the hours
5 of darkness without the illuminating devices required by Section
6 4207 of Title 63 of the Oklahoma Statutes.

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

- 10 a. is made in the performance of the duties of the game
11 warden pursuant to the provisions of the Code, and
- 12 b. (1) will aid in the accomplishment of a lawful arrest
13 for any violation of the Oklahoma Wildlife Code
14 or any rule or regulation promulgated thereto, or
- 15 (2) will aid in ascertaining whether a violation of
16 the Oklahoma Wildlife Conservation Code or any
17 rule or regulation promulgated thereto has been
18 or is about to be committed.

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

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

8 SECTION 13. AMENDATORY 29 O.S. 2001, Section 4-106, as
9 amended by Section 1, Chapter 94, O.S.L. 2003 (29 O.S. Supp. 2005,
10 Section 4-106), is amended to read as follows:

11 Section 4-106. A. No person may propagate or hold in captivity
12 any wildlife or domesticated animals hunted for sport for commercial
13 hunting area purposes without having procured a license for such
14 from the Director. Licenses shall be classified as big game, upland
15 game, or a combination of big game and upland game.

16 1. A big game license shall be required for legally acquired
17 exotic ungulates, domesticated animals so designated by the Oklahoma
18 Wildlife Conservation Commission, exotic swine, and legally acquired
19 whitetail and mule deer, turkey and other species of big game
20 lawfully taken under the provisions of subsection A of Section 5-411
21 and Section 5-401 of this title. Wildlife that has been crossbred
22 with exotic wildlife shall be considered native and not exotic
23 unless documentation shows otherwise.

1 2. An upland game license shall be required for legally
2 acquired captive_raised pheasants, all species of quail, Indian
3 chukars, water fowl, and other similar or suitable gallinaceous
4 birds; and shall include turkey if no other big game species are
5 listed on the license/application.

6 B. Before obtaining such license or a renewal of such license
7 the applicant shall:

8 1. Submit proof that such wildlife or domesticated animals
9 hunted for sport will be or have been secured from a source other
10 than the wild stock in this state. Any person obtaining or renewing
11 such license shall submit a true and complete inventory of said
12 animals before such license shall be approved;

13 2. Such license shall specifically list the different species
14 and/or subspecies to be hunted on the listed hunting area or
15 premises; and

16 3. Submit proof of being an Oklahoma resident.

17 C. Any game warden of the Oklahoma Department of Wildlife
18 Conservation shall have authority to inspect any and all records and
19 invoices pertaining to the commercial hunting operations of any
20 person licensed or requesting licensure pursuant to this section and
21 additionally shall have the authority to inspect any and all
22 facilities, equipment and property connected to the hunting

1 operation of any person licensed or requesting licensure pursuant to
2 this section.

3 D. 1. The annual fee for a commercial hunting area license for
4 upland game under this section shall be One Hundred Dollars
5 (\$100.00).

6 2. The annual fee for a commercial hunting area license for big
7 game or a combination of big game and upland game pursuant to this
8 section shall be ~~Two Hundred Dollars (\$200.00)~~ Five Hundred Dollars
9 (\$500.00).

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

12 F. Exemptions from this license requirement shall be operators
13 of running pens used for the performance test or training of dogs.
14 Operators of such running pens may acquire coyotes from wild stock
15 without having to possess a fur dealer's license for such purpose
16 and no license shall be required of those involved in performance
17 testing or training dogs in such running pens so long as no other
18 wildlife are taken or hunted in any manner.

19 G. Any person convicted of violating the provisions of this
20 section shall be punished by a fine of not less than Five Hundred
21 Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars
22 (\$1,500.00), or by imprisonment in the county jail not to exceed
23 sixty (60) days, or by both such fine and imprisonment.

1 H. Any person convicted of violating the provisions of this
2 section shall have ~~his~~ the commercial hunting area license revoked.
3 No new license shall be issued for a period of six (6) months from
4 and after the date on which the revocation order becomes effective.

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

7 SECTION 14. AMENDATORY 29 O.S. 2001, Section 4-107, as
8 last amended by Section 1, Chapter 376, O.S.L. 2004 (29 O.S. Supp.
9 2005, Section 4-107), is amended to read as follows:

10 Section 4-107. A. Except as otherwise provided for in this
11 title or in the Oklahoma Farmed Cervidae Act, no person may breed,
12 possess or raise native wildlife, except fish, amphibians, aquatic
13 reptiles, aquatic invertebrates or exotic livestock, for commercial
14 purposes without ~~having~~ first ~~procured~~ obtaining a commercial
15 wildlife breeder's license from the Director.

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

20 C. A commercial wildlife breeder's license may be issued to any
21 person whom the Director believes to be acting in good faith, and
22 whom the Director believes does not intend to use the license for
23 the purpose of violating any of the laws of the State of Oklahoma,

1 and who proves that the brood stock to be used will be obtained in a
2 lawful manner.

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

8 E. Any person who keeps or maintains ~~on premises~~ any native
9 bear or native cat that will grow to reach the weight of fifty (50)
10 pounds or more shall be licensed under this section with a
11 commercial wildlife breeder's license. Any person licensed pursuant
12 to this subsection shall at all times keep such wildlife confined to
13 the premises described in the commercial wildlife breeder
14 application, and controlled and restrained in a manner so the life,
15 limb or property of any person lawfully entering the premises shall
16 not be endangered. Any person licensed to possess native cats or
17 bears pursuant to this subsection shall control and restrain the
18 wildlife so that there is no direct contact between the public and
19 the wildlife, and the public shall not be allowed to enter into any
20 enclosures occupied by the wildlife.

21 F. 1. Any person who is a nonresident or entity not
22 permanently located within the state which exhibits native cats or
23 native bears that will grow to reach the weight of fifty (50) pounds

1 or more in this state on a temporary basis shall be required to
2 obtain from the Director a nonresident ~~eat/bear~~ cat or bear
3 temporary exhibitor's permit. Any person with a permit issued
4 pursuant to this paragraph shall be exempt from acquiring a
5 commercial wildlife breeder's license issued under this section and
6 shall be exempt from the requirements set forth in subsection E of
7 this section. The fee for a nonresident ~~eat/bear~~ cat or bear
8 temporary exhibitor's permit shall be One Hundred Dollars (\$100.00)
9 and shall be valid for thirty (30) days. To obtain a nonresident
10 ~~eat/bear~~ cat or bear temporary exhibitor's permit, the person shall
11 be required to hold a valid exhibitor's license issued by the United
12 States Department of Agriculture.

13 2. Any resident of the state who has a commercial wildlife
14 breeder's license issued pursuant to this section who wishes to
15 exhibit native cats or native bears that will grow to reach the
16 weight of fifty (50) pounds or more at the permanent facility
17 described in the commercial wildlife breeder's license or at a
18 temporary facility shall be required to obtain from the Director a
19 resident ~~eat/bear~~ cat or bear exhibitor's permit. Any person with a
20 permit issued pursuant to this paragraph shall be required to also
21 have a commercial wildlife breeder's license issued under this
22 section and shall comply with the requirements set forth in
23 subsection E of this section when not exhibiting the wildlife. The

1 fee for a resident ~~cat/bear~~ cat or bear exhibitor's permit shall be
2 Fifty Dollars (\$50.00) and shall be valid for one (1) year. To
3 obtain a resident ~~cat/bear~~ cat or bear exhibitor's permit the person
4 shall be required to hold a valid exhibitor's license issued by the
5 United States Department of Agriculture.

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

19 G. Any person convicted of violating the provisions of this
20 section shall be punished by a fine of not less than Five Hundred
21 Dollars (\$500.00) and, if applicable, shall have the wildlife
22 license of the person revoked. No person whose license has been

1 revoked shall be eligible to obtain a new license until after the
2 date on which the revoked license would have expired.

3 SECTION 15. AMENDATORY 29 O.S. 2001, Section 4-112, as
4 last amended by Section 2, Chapter 382, O.S.L. 2005 (29 O.S. Supp.
5 2005, Section 4-112), is amended to read as follows:

6 Section 4-112. A. Except as otherwise provided for in the
7 Oklahoma Wildlife Conservation Code or the Oklahoma Farmed Cervidae
8 Act, no person may hunt, pursue, trap, harass, catch, kill, take or
9 attempt to take in any manner, use, have in possession, sell, or
10 transport all or any portion of any wildlife except fish, without
11 having first procured a license ~~for such~~ from the ~~Director or from~~
12 ~~any authorized agents of the~~ Department of Wildlife Conservation.
13 The Wildlife Conservation Commission shall designate a consecutive
14 Saturday and Sunday in September of each year as free hunting days
15 in which residents of this state may hunt without first procuring a
16 hunting license pursuant to the provisions of this section.

17 B. Pursuant to the provisions of this Code, persons excepted
18 from the license requirement of this section are:

- 19 1. Legal residents of Oklahoma under sixteen (16) years of age;
- 20 2. Legal residents of Oklahoma sixty-four (64) years of age or
21 older provided ~~such persons~~ they have obtained a senior citizen's
22 license pursuant to the provisions of Section 4-133 of this title;
- 23 3. Legal residents born on or before January 1, 1923;

1 4. Legal resident veterans having a disability of sixty percent
2 (60%) or more;

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

5 6. Every citizen of Oklahoma serving in a branch of the United
6 States Armed Forces, ~~who is~~ on properly authorized leave from
7 military duty, ~~who has~~ having in ~~their~~ his or her possession proper
8 written evidence showing such authorized leave, ~~and who is~~ serving
9 outside the State of Oklahoma at the time of ~~such~~ the hunting;

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

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

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

18 C. Except as otherwise provided for in the Oklahoma Wildlife
19 Conservation Code, the fees for licenses listed in this subsection
20 are:

21 1. a. Annual hunting licenses for nonresidents hunting game
22 other than deer, antelope, or elk, One Hundred Thirty-
23 six Dollars (\$136.00); for deer, Two Hundred Dollars

1 (\$200.00); for antelope and elk, Three Hundred Dollars
2 (\$300.00). There shall be no exemptions for deer,
3 antelope, elk, or turkey. Any nonresident ~~with a~~
4 hunting in a big game or combination big game and
5 upland game commercial hunting area big game ten-day
6 ~~permit as provided for in paragraph 3 of subsection D~~
7 ~~of this section~~ shall ~~not~~ be required to have an
8 annual nonresident hunting license pursuant to this
9 subparagraph, and the fee shall be One Hundred Thirty-
10 six Dollars (\$136.00). For a five-day nonresident
11 hunting license to hunt game other than deer,
12 antelope, elk, turkey, or pheasant, the fee shall be
13 Forty-one Dollars and fifty cents (\$41.50).

14 b. Annual combination hunting licenses for nonresidents
15 hunting one antlered and one antlerless deer, Two
16 Hundred Fifty Dollars (\$250.00); for nonresidents
17 hunting an additional antlerless deer, Fifty Dollars
18 (\$50.00) which shall be valid only on private lands
19 not managed by the Department of Wildlife
20 Conservation.

21 c. Of the amount of monies collected pursuant to the
22 provisions of this paragraph, Five Dollars (\$5.00) of
23 the license fee for hunting game other than deer,

1 antelope and elk, Five Dollars (\$5.00) of the license
2 fee for hunting deer, Five Dollars (\$5.00) of the
3 license fee for hunting antelope and elk and Two
4 Dollars and fifty cents (\$2.50) of the five-day
5 hunting license shall be deposited in the Wildlife
6 Land Acquisition Fund created pursuant to the
7 provisions of Section 4-132 of this title.

8 d. The Oklahoma Wildlife Department shall not issue any
9 nonresident deer, antelope, or elk licenses to
10 residents of any other state which has a deer season
11 but does not allow Oklahoma residents the opportunity
12 to purchase general unrestricted nonresident licenses
13 in their state.

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

1 3. Deer gun hunting license, residents, Nineteen Dollars
2 (\$19.00). There shall be no exemptions except ~~for~~:

3 a. residents sixty-four (64) years of age or older
4 provided such residents have obtained a senior
5 citizen's license pursuant to the provisions of
6 Section 4-133 of this title ~~and for~~,

7 b. legal residents of Oklahoma under eighteen (18) years
8 of age provided such residents shall be required to
9 pay a deer gun hunting license fee of Nine Dollars
10 (\$9.00). ~~In addition,~~

11 c. veterans who are totally disabled as certified by the
12 U.S. Department of Veterans Affairs shall be exempt
13 from the fees specified pursuant to this paragraph,
14 and

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

19 4. Deer archery hunting license, residents, Nineteen Dollars
20 (\$19.00). ~~No~~ There shall be no exemptions except residents hunting
21 in big game or combination big game and upland game commercial
22 hunting areas shall be exempt from the fees specified pursuant to
23 this paragraph.

1 5. Primitive firearms license, residents, Nineteen Dollars
2 (\$19.00). ~~No~~ There shall be no exemptions except residents hunting
3 in big game or combination big game and upland game commercial
4 hunting areas shall be exempt from the fees specified pursuant to
5 this paragraph.

6 6. Elk or antelope hunting license, residents, Fifty Dollars
7 (\$50.00). ~~No~~ There shall be no exemptions except residents hunting
8 in big game or combination big game and upland game commercial
9 hunting areas shall be exempt from the fees specified pursuant to
10 this paragraph.

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

13 a. residents sixty-five (65) years of age or older
14 provided such residents have obtained a senior
15 citizen's license pursuant to the provisions of
16 Section 4-133 of this title. ~~In addition,~~

17 b. veterans who are totally disabled, if certified by the
18 U.S. Department of Veterans Affairs shall be exempt
19 from the fees specified pursuant to this paragraph,
20 and

21 c. residents hunting in big game or combination big game
22 and upland game commercial hunting areas shall be

1 exempt from the fees specified pursuant to this
2 paragraph.

3 D. The fees for hunting licenses, except as provided for in the
4 Oklahoma Wildlife Conservation Code, are:

5 1. For legal residents eighteen (18) years of age and older,
6 Nineteen Dollars (\$19.00); for legal residents sixteen (16) or
7 seventeen (17) years of age, Four Dollars (\$4.00); and

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

10 ~~3. Commercial hunting area big game ten-day permit, resident or~~
11 ~~nonresident, Two Hundred One Dollars (\$201.00) plus Ten Dollars~~
12 ~~(\$10.00) for each additional deer license, of any type, that may be~~
13 ~~purchased from the commercial hunting area. The commercial hunting~~
14 ~~area may obtain the licenses from the Director for use at the~~
15 ~~commercial hunting area.~~

16 E. The provisions of this section shall not be construed to
17 require a hunting license, resident or nonresident, of any person
18 merely because the person participates, as owner or handler of an
19 entry, as an official, or as a spectator in the conduct of a field
20 trial or performance test of dogs, whether a resident or nonresident
21 of the State of Oklahoma. No license to hunt shall be required of
22 any person engaged in training or working dogs, provided ~~said~~ that

1 person is in no way engaged in hunting and does not take or attempt
2 to take in any manner any game.

3 F. 1. Any person arrested for hunting game other than deer,
4 antelope, elk, or turkey without a valid hunting license as required
5 by the provisions of subsection A of this section may purchase a
6 substitute temporary thirty-day license from the arresting game
7 warden in lieu of posting bond. Proof of hunter safety
8 certification will not be required for ~~such~~ the temporary substitute
9 license. The fee for a substitute license purchased pursuant to the
10 provisions of this subsection shall be:

- 11 a. for legal residents, Fifty Dollars (\$50.00), and
- 12 b. for nonresidents, One Hundred Forty-five Dollars
13 (\$145.00).

14 2. Except as otherwise provided for by this subsection, the
15 fees from licenses purchased pursuant to the provisions of this
16 subsection shall be deposited in the Wildlife Conservation Fund to
17 be used exclusively for developing, managing, preserving, and
18 protecting wildlife and wildlife habitat.

19 G. Any person producing proof in court that a current hunting
20 license issued by the Department of Wildlife Conservation to ~~such~~
21 that person was in force at the time of the alleged offense shall be
22 entitled to dismissal of a charge of violating this section upon
23 payment of court costs; however, if proof of hunting license is

1 presented to the court or district attorney within seventy-two (72)
2 hours after the violation, the charge shall be dismissed without
3 payment of court costs.

4 H. Unless a substitute license is purchased as provided for by
5 subsection F of this section, any resident convicted of violating
6 the provisions of this section shall be punished by the imposition
7 of a fine of not less than Twenty-five Dollars (\$25.00) nor more
8 than Two Hundred Dollars (\$200.00), or by imprisonment in the county
9 jail for a period not to exceed thirty (30) days, or by both ~~said~~
10 ~~fine and imprisonment.~~

11 I. Unless a substitute license is purchased as provided for by
12 subsection F of this section, any nonresident convicted of violating
13 the provisions of this section shall be punished by the imposition
14 of a fine of not less than Two Hundred Dollars (\$200.00) nor more
15 than Five Hundred Dollars (\$500.00), or by imprisonment in the
16 county jail for a period not to exceed six (6) months, or by both
17 ~~said fine and imprisonment.~~

18 SECTION 16. AMENDATORY 29 O.S. 2001, Section 4-121, as
19 amended by Section 3, Chapter 94, O.S.L. 2003 (29 O.S. Supp. 2005,
20 Section 4-121), is amended to read as follows:

21 Section 4-121. A. Except as otherwise provided in this title
22 or in the Oklahoma Farmed Cervidae Act, no person may breed or raise

1 wildlife for personal consumption or noncommercial purposes without
2 having first procured a license ~~for such purpose~~ from the Director.

3 B. ~~Such licenses~~ Licenses may be issued to any person ~~whom the~~
4 ~~Director believes to be acting~~ that lawfully obtains wildlife, acts
5 in good faith and ~~whom he believes does not intend to use such~~
6 ~~license for the purpose of violating any of~~ adheres to the laws of
7 the State of Oklahoma and ~~who proves that the stock he uses will be~~
8 ~~obtained in a lawful manner.~~

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

11 SECTION 17. AMENDATORY 29 O.S. 2001, Section 5-411, is
12 amended to read as follows:

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

22 2. No person shall sell, offer for sale or buy or offer to buy
23 an antelope, moose, whitetail or mule deer, bear, elk, mountain

1 lion, rocky mountain bighorn sheep, wild turkey, or any subspecies
2 or any parts thereof, except as ~~otherwise~~ provided by:

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

5 b. any federal laws or regulations, or

6 c. the Oklahoma Farmed Cervidae Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 2. Any endangered or threatened species.

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

20 1. Dead fish or wildlife legally taken by licensed hunters or
21 fishermen for noncommercial purposes ~~only~~ may be possessed, shipped,
22 or transported into or within the borders of this state if it is
23 accompanied by or has attached the appropriate certificate, license

1 or tag ~~under such rules and regulations~~ as may be required by the
2 Oklahoma Wildlife Conservation Code, rules, or the laws of another
3 state;

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

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

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

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

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

19 C. Any person convicted of violating the provisions of this
20 section shall be punished by a fine of not less than Fifty Dollars
21 (\$50.00) nor more than Two Hundred Dollars (\$200.00), or by
22 imprisonment in the county jail for a period not less than ten (10)

1 days nor more than sixty (60) days, or by both ~~such fine and~~
2 ~~imprisonment.~~

3 SECTION 21. AMENDATORY 29 O.S. 2001, Section 7-801, is
4 amended to read as follows:

5 Section 7-801. A. ~~The Commission is authorized to regulate the~~
6 ~~importation of exotic wildlife.~~ No exotic wildlife may be released
7 into the wilds of Oklahoma without first obtaining written
8 permission of the Director.

9 B. Any person releasing such exotic wildlife into the wilds of
10 Oklahoma in violation of the provisions of this section shall be
11 deemed guilty of a misdemeanor and, upon conviction thereof, shall
12 be punished by a fine of not less than One Hundred Dollars (\$100.00)
13 nor more than Two Thousand Dollars (\$2,000.00) or by imprisonment in
14 the county jail for a period not to exceed thirty (30) days or by
15 both ~~such fine and imprisonment.~~

16 ~~B. Any bear or cat that will grow to reach the weight of fifty~~
17 ~~(50) pounds or more held or maintained in violation of this section~~
18 ~~may be confiscated and disposed of by the Wildlife Department or~~
19 ~~other law enforcement agency after proper notice and hearing except~~
20 ~~in an emergency situation.~~

21 SECTION 22. This act shall become effective November 1, 2006.

22 COMMITTEE REPORT BY: COMMITTEE ON TOURISM & WILDLIFE, dated 4-6-06 -
23 DO PASS, As Amended.