

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 3006

By: Morgan (Fred)

AS INTRODUCED

An Act relating to game and fish; amending 29 O.S. 2001, Sections 3-103 and 3-105, which relate to wildlife conservation administration; deleting certain powers and duties of the Wildlife Conservation Commission; modifying certain powers and duties of the Director of Wildlife Conservation; making the Department of Wildlife Conservation a Merit System agency; making employees of the Department subject to the Oklahoma Personnel Act and Merit System of Personnel Administration; updating statutory language; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. 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. 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 time and in such manner as the Commission may deem advisable. 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 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 meeting. The advertisements shall include time, date and address of location of the meeting.

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

1. Institute an affirmative action plan setting goal of 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 rules of the Commission and the statutes and Constitution of the State of Oklahoma. Said 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 so that discrepancies within pay levels within a pay grade will be 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.~~ 6. 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.~~ 7. 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.~~ 8. 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.~~ 9. 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.~~ 10. Authorize all claims or expenditures prior to incurring payment except as otherwise provided in this Code;

~~12.~~ 11. Prescribe rules on the use of 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.~~ 12. Prescribe rules for the sale of all regular or special licenses;

~~14.~~ 13. Publicize and encourage the conservation and appreciation of wildlife and all other natural resources;

~~15.~~ 14. Regulate the seasons and harvest of wildlife;

~~16.~~ 15. Promulgate rules to sell fishing and hunting licenses via the Internet;

~~17.~~ 16. 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.~~ 17. Provide the Governor and the Legislature with an annual inventory of all property and equipment.

SECTION 2. AMENDATORY 29 O.S. 2001, Section 3-105, is amended to read as follows:

Section 3-105. A. ~~Immediately~~ The Director, immediately upon ~~the appointment of the Director, he~~ shall become vested with the duties and powers of the management and control of the Department under such provisions, orders, and rules ~~and regulations~~ as may be prescribed by the Commission, and in addition thereto shall have the following specific powers and duties:

1. To manage and control, under the supervision of the Commission, all wildlife refuges and real or personal properties which are held, operated or maintained by the Department.

2. To appoint and employ such assistants, department heads, rangers, clerical help and other employees as the Commission may deem necessary, subject to the approval of the Commission. The Director shall fix and determine the salaries and wages to be paid under and subject to ~~the rules and regulations as~~ promulgated by the Commission; ~~and the~~ and subject to the Oklahoma Personnel Act and the Merit System of Personnel Administration. The Director shall supervise and direct all employees of either the Commission or the Department and may suspend, discharge, station or transfer them ~~at any time that, in his judgment, the Commission or the state will be best served thereby~~ subject to the Oklahoma Personnel Act and the Merit System of Personnel Administration.

3. To approve or disapprove and pay all legal claims for services rendered or expenses incurred by rangers and other employees of the Department in accordance with the schedules

therefor and the rules ~~and regulations~~ previously adopted by the Commission.

4. To establish and maintain a proper system of bookkeeping and accounting under the supervision of the State Auditor and Inspector.

5. To promote and manage wildlife propagation by raising and distributing the same over the state at the direction of the Commission; to capture, propagate, transport, buy, sell or exchange any species of fish, game, furbearing animals and protected birds needed for stocking the lands or waters of the state; and to feed, provide and care for such fish, animals and birds.

6. To make a complaint and cause proceedings to be commenced against any person for violation of any of the laws for the conservation of wildlife with the sanction of the district attorney of the county in which such proceedings are brought, and shall not be required to give security for costs. The Director may also appear in behalf of the people in any court of competent jurisdiction in any prosecution for a violation of any of the laws for the protection of wildlife, and may prosecute the same in the same manner and with the same authority as the district attorney of the county where such proceedings are pending in cases where such attorney is unable to be present or refuses to prosecute such case.

7. To make emergency purchases of equipment, materials and supplies under rules ~~and regulations~~ prescribed by the Commission.

B. All duties and authority imposed or conferred upon the former Wildlife Conservation Director by any statute, rule or regulation of the Commission are hereby imposed and conferred upon the Director until such time as the Commission or the Legislature shall, by appropriate measure, change such duties or authority imposed by said Commission.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-106 of Title 29, unless there is created a duplication in numbering, reads as follows:

Effective July 1, 2006, the Department of Wildlife Conservation shall be a Merit System agency and all employees of the Department of Wildlife Conservation shall be classified employees who are subject to the Oklahoma Personnel Act and the Merit System of Personnel Administration, except as otherwise provided by law.

SECTION 4. This act shall become effective July 1, 2006.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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