

1 ENGROSSED SENATE
2 BILL NO. 1734

By: Sparks and Schulz of the
Senate

3 and

4 Armes of the House
5
6

7 An Act relating to game and fish; amending 29 O.S.
8 2001, Section 4-106, as last amended by Section 13,
9 Chapter 138, O.S.L. 2006 (29 O.S. Supp. 2007, Section
10 4-106), which relates to commercial hunting area
11 licenses; deleting certain licensing requirement;
12 making entering a farmed cervidae facility or
13 commercial hunting area without permission of the
14 owner a trespass; setting penalty; making entering
15 and taking cervidae or wildlife from a farmed
16 cervidae facility or big game commercial hunting area
17 without permission of the owner a misdemeanor;
18 setting penalty; providing for restitution; amending
19 29 O.S. 2001, Section 7-602, as amended by Section
20 20, Chapter 138, O.S.L. 2006 (29 O.S. Supp. 2007,
21 Section 7-602), which relates to transporting
22 wildlife; allowing certain persons to transport
23 cervidae without a permit; providing for
24 codification; providing an effective date; and
declaring an emergency.

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

19 SECTION 1. AMENDATORY 29 O.S. 2001, Section 4-106, as
20 last amended by Section 13, Chapter 138, O.S.L. 2006 (29 O.S. Supp.
21 2007, Section 4-106), is amended to read as follows:

22 Section 4-106. A. No person may propagate or hold in captivity
23 any wildlife or domesticated animals hunted for sport for commercial
24 hunting area purposes without having procured a license ~~for such~~

1 from the Director. Licenses shall be classified as big game, upland
2 game, or a combination of big game and upland game.

3 1. A big game license shall be required for legally acquired
4 exotic ungulates, domesticated animals so designated by the Oklahoma
5 Wildlife Conservation Commission, exotic swine, and legally acquired
6 whitetail and mule deer, turkey and other species of big game
7 lawfully taken under the provisions of subsection A of Section 5-411
8 and Section 5-401 of this title. Wildlife that has been crossbred
9 with exotic wildlife shall be considered native and not exotic
10 unless documentation shows otherwise.

11 2. An upland game license shall be required for legally
12 acquired captive-raised pheasants, all species of quail, Indian
13 chukars, water fowl, and other similar or suitable gallinaceous
14 birds; and shall include turkey if no other big game species are
15 listed on the license/application.

16 B. Before obtaining ~~such~~ a license or a renewal of ~~such~~ a
17 license the applicant shall+

18 ~~1. Submit~~ submit proof that such wildlife or domesticated
19 animals hunted for sport will be or have been secured from a source
20 other than the wild stock in this state. Any person obtaining or
21 renewing ~~such~~ a license shall submit a true and complete inventory
22 of said animals before ~~such~~ a license shall be approved~~7.~~ Each

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1 ~~2. Such~~ license shall specifically list the different species
2 and/or subspecies to be hunted on the listed hunting area or
3 premises, ~~and~~

4 ~~3. Submit proof of being an Oklahoma resident.~~

5 C. Any game warden of the Oklahoma Department of Wildlife
6 Conservation shall have authority to inspect any and all records and
7 invoices pertaining to the commercial hunting operations of any
8 person licensed or requesting licensure pursuant to this section and
9 additionally shall have the authority to inspect any and all
10 facilities, equipment and property connected to the hunting
11 operation of any person licensed or requesting licensure pursuant to
12 this section.

13 D. 1. The annual fee for a commercial hunting area license for
14 upland game under this section shall be One Hundred Dollars
15 (\$100.00).

16 2. The annual fee for a commercial hunting area license for big
17 game or a combination of big game and upland game pursuant to this
18 section shall be Five Hundred Dollars (\$500.00).

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

21 F. Exemptions from this license requirement shall be operators
22 of running pens used for the performance test or training of dogs.
23 Operators of such running pens may acquire coyotes from wild stock
24 without having to possess a fur dealer's license for such purpose

1 and no license shall be required of those involved in performance
2 testing or training dogs in such running pens so long as no other
3 wildlife are taken or hunted in any manner.

4 G. Any person convicted of violating the provisions of this
5 section shall be punished by a fine of not less than Five Hundred
6 Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars
7 (\$1,500.00), or by imprisonment in the county jail not to exceed
8 sixty (60) days, or by both such fine and imprisonment.

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

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

15 SECTION 2. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 7-209 of Title 29, unless there
17 is created a duplication in numbering, reads as follows:

18 A. Any person who willfully enters a facility licensed pursuant
19 to the Oklahoma Farmed Cervidae Act or a commercial hunting area
20 licensed pursuant to Section 4-106 of Title 29 of the Oklahoma
21 Statutes without permission by the owner shall be deemed guilty of
22 trespass and, upon conviction thereof, shall be fined in any sum not
23 to exceed Two Hundred Fifty Dollars (\$250.00).

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1 B. Any person who willfully enters a facility licensed pursuant
2 to the Oklahoma Farmed Cervidae Act or a big game commercial hunting
3 area licensed pursuant to Section 4-106 of Title 29 of the Oklahoma
4 Statutes and hunts, takes or attempts to take a cervidae or wildlife
5 without permission by the owner shall be deemed guilty of a
6 misdemeanor and, upon conviction thereof, shall be punished by a
7 fine of not less than One Thousand Five Hundred Dollars (\$1,500.00)
8 nor more than Five Thousand Dollars (\$5,000.00) or by imprisonment
9 in the county jail not to exceed sixty (60) days, or by both such
10 fine and imprisonment, and in addition, the court shall order
11 restitution for actual damages incurred.

12 SECTION 3. AMENDATORY 29 O.S. 2001, Section 7-602, as
13 amended by Section 20, Chapter 138, O.S.L. 2006 (29 O.S. Supp. 2007,
14 Section 7-602), is amended to read as follows:

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

- 19 1. Any wildlife or parts thereof, nests of wildlife, their eggs
20 or their young; or
- 21 2. Any endangered or threatened species.

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

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

7 2. Rough fish products that have been completely processed into
8 food or other products that legally taken fish may yield may be
9 exported from the state;

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

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

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

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

22 C. An owner or operator of a commercially licensed hunting
23 facility shall be permitted to transport cervidae from one in-state
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1 hunt facility to another in-state hunt facility without a permit
2 issued by the Department of Wildlife Conservation.

3 D. Any person convicted of violating the provisions of this
4 section shall be punished by a fine of not less than Fifty Dollars
5 (\$50.00) nor more than Two Hundred Dollars (\$200.00), or by
6 imprisonment in the county jail for a period not less than ten (10)
7 days nor more than sixty (60) days, or by both.

8 SECTION 4. This act shall become effective July 1, 2008.

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

13 Passed the Senate the 11th day of March, 2008.

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Presiding Officer of the Senate

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17 Passed the House of Representatives the ____ day of _____,

18 2008.

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Presiding Officer of the House
of Representatives

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