

THE HOUSE OF REPRESENTATIVES
Tuesday, February 26, 2008

Committee Substitute for
House Bill No. 2791

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2791 - By: JACKSON, ADKINS, DERBY, DORMAN, FAUGHT, HILLIARD, HYMAN, JOHNSON (ROB), JOYNER, MCDANIEL (RANDY), PETERSON (RON), PROCTOR, RENEGAR, SCHWARTZ, SHERRER, SMITHSON AND THOMPSON of the House and SCHULZ of the Senate.

An Act relating to game and fish; amending 29 O.S. 2001, Section 4-106, as last amended by Section 13, Chapter 138, O.S.L. 2006 (29 O.S. Supp. 2007, Section 4-106), which relates to commercial hunting area licenses; deleting certain licensing requirement; making entering a farmed cervidae facility or commercial hunting area without permission of the owner a trespass; setting penalty; making entering and taking cervidae or wildlife from a farmed cervidae facility or commercial hunting area without permission of the owner a felony; setting penalty; providing for codification; providing an effective date; and declaring an emergency.

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

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

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

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

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

11 B. Before obtaining ~~such a~~ a license or a renewal of ~~such a~~ a license the applicant shall:

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

16 ~~2. Such~~ license shall specifically list the different species and/or subspecies to be
17 hunted on the listed hunting area or premises; ~~and~~

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

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

1 equipment and property connected to the hunting operation of any person licensed or
2 requesting licensure pursuant to this section.

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

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

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

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

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

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

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

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

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

11 B. Any person who willfully enters a facility licensed pursuant to the Oklahoma
12 Farmed Cervidae Act or a commercial hunting area licensed pursuant to Section 4-106 of
13 Title 29 of the Oklahoma Statutes and hunts, takes or attempts to take a cervidae or
14 wildlife without permission by the owner shall be deemed guilty of a felony and, upon
15 conviction thereof, shall be punished by a fine of not less than One Thousand Five
16 Hundred Dollars (\$1,500.00) nor more than Five Thousand Dollars (\$5,000.00) or by
17 imprisonment in the custody of the Department of Corrections for a period of not more
18 than one (1) year, or by both such fine and imprisonment.

19 SECTION 3. This act shall become effective July 1, 2008.

20 SECTION 4. It being immediately necessary for the preservation of the public
21 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
22 this act shall take effect and be in full force from and after its passage and approval.

1 COMMITTEE REPORT BY: COMMITTEE ON NATURAL RESOURCES, dated 02-25-
2 08 - DO PASS, As Amended and Coauthored.