

ENGROSSED

House Bill No. 2791

As Amended

ENGROSSED HOUSE BILL NO. 2791 - By: Jackson, Adkins, Derby, Dorman, Faight, Hilliard, Hyman, Johnson (Rob), Joyner, McDaniel (Randy), Peterson (Ron), Proctor, Renegar, Schwartz, Sherrer, Smithson and Thompson of the House and Schulz of the Senate.

[ game and fish - licensing - cervidae - codification - effective date - emergency ]

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

SECTION 1. AMENDATORY 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), 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

1 and Section 5-401 of this title. Wildlife that has been crossbred  
2 with exotic wildlife shall be considered native and not exotic  
3 unless documentation shows otherwise.

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

9 B. Before obtaining ~~such~~ a license or a renewal of ~~such~~ a  
10 license the applicant shall~~+~~

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

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

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

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

1 additionally shall have the authority to inspect any and all  
2 facilities, equipment and property connected to the hunting  
3 operation of any person licensed or requesting licensure pursuant to  
4 this section.

5 D. 1. The annual fee for a commercial hunting area license for  
6 upland game under this section shall be One Hundred Dollars  
7 (\$100.00).

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

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

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

20 G. Any person convicted of violating the provisions of this  
21 section shall be punished by a fine of not less than Five Hundred  
22 Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars

1 (\$1,500.00), or by imprisonment in the county jail not to exceed  
2 sixty (60) days, or by both such fine and imprisonment.

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

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

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

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

18 B. 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 and hunts, takes or attempts to take a cervidae or wildlife  
22 without permission by the owner shall be deemed guilty of a felony  
23 and, upon conviction thereof, shall be punished by a fine of not

1 less than One Thousand Five Hundred Dollars (\$1,500.00) nor more  
2 than Five Thousand Dollars (\$5,000.00) or by imprisonment in the  
3 custody of the Department of Corrections for a period of not more  
4 than one (1) year, or by both such fine and imprisonment.

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

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

10 COMMITTEE REPORT BY: COMMITTEE ON TOURISM & WILDLIFE, dated 4-3-08 -  
11 DO PASS, As Amended.