

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

☐ FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

☐ COMMITTEE AMENDMENT

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend Senate Bill No. 569, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Dahm

Dahm-QD-FS-Req#2097  
3/12/2019 4:02 PM

(Floor Amendments Only)    Date and Time Filed: \_\_\_\_\_

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

FLOOR SUBSTITUTE  
FOR

SENATE BILL NO. 569

By: Dahm of the Senate

and

Roberts (Sean) of the House

FLOOR SUBSTITUTE

An Act relating to the Oklahoma Wildlife Conservation Code; amending 29 O.S. 2011, Sections 2-108.1, 2-110 and 2-116.1, which relate to words and phrases; modifying definitions; modifying what certain words and phrases refer to; updating statutory reference; amending 29 O.S. 2011, Sections 3-103, as last amended by Section 1, Chapter 24, O.S.L. 2017, 3-105 and 3-201 (29 O.S. Supp. 2018, Section 3-103), which relate to members, function, powers and duties of the Wildlife Conservation Commission, powers and duties of Director and game wardens; removing affirmative action plan requirement; removing power of Director to make a complaint and cause proceedings against a person; requiring certain coordination and cooperation with other law enforcement; updating statutory language; amending 29 O.S. 2011, Section 7-204, which relates to wildlife; making wildlife property of the people of Oklahoma; repealing 29 O.S. 2011, Section 3-313, as amended by Section 119, Chapter 304, O.S.L. 2012 (29 O.S. Supp. 2018, Section 3-313), which relates to an account within the Wildlife Conservation Fund; and providing an effective date.

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

1       SECTION 1.       AMENDATORY       29 O.S. 2011, Section 2-108.1, is  
2 amended to read as follows:

3       Section 2-108.1. "Domesticated animal" means an animal kept for  
4 pleasure or for utility, that has adapted to life in association  
5 with and to the use of human beings, and shall not include animals  
6 which normally can be found in the wild state, unless specifically  
7 so designated by the Oklahoma Wildlife Conservation Commission or as  
8 defined in Oklahoma statutes.

9       SECTION 2.       AMENDATORY       29 O.S. 2011, Section 2-110, is  
10 amended to read as follows:

11       Section 2-110. "Fishing" is defined as the taking or attempting  
12 to take fish or other aquatic dwelling organisms by hook and line,  
13 seine, trap or such other means as may be designated as legal by the  
14 provisions of this Code ~~or~~, by the Oklahoma Wildlife Conservation  
15 Commission or as defined in Oklahoma statutes.

16       SECTION 3.       AMENDATORY       29 O.S. 2011, Section 2-116.1, is  
17 amended to read as follows:

18       Section 2-116.1. "Game warden" is a ~~duty~~ CLEET-certified,  
19 authorized employee of the Department whose primary ~~duties are the~~  
20 ~~enforcement of~~ duty is to enforce the wildlife conservation laws of  
21 Oklahoma. Whenever the word "ranger" appears in ~~this title~~ the  
22 Oklahoma Wildlife Conservation Code it shall have the same meaning  
23 as "game warden".  
24

1       SECTION 4.       AMENDATORY       29 O.S. 2011, Section 3-103, as  
2 last amended by Section 1, Chapter 24, O.S.L. 2017 (29 O.S. Supp.  
3 2018, Section 3-103), is amended to read as follows:

4       Section 3-103. A. The Wildlife Conservation Commission shall  
5 constitute an advisory, administrative and policymaking board for  
6 the protection, restoration, perpetuation, conservation,  
7 supervision, maintenance, enhancement, and management of wildlife in  
8 this state as provided in the Oklahoma Wildlife Conservation Code.

9       B. The Director shall consult with the Commission regarding the  
10 administration of the affairs of the Department of Wildlife  
11 Conservation. The Commission is authorized and empowered to require  
12 from the Director complete reports and information relative to the  
13 affairs of the Department at the time and in the manner the  
14 Commission may deem advisable.

15       C. The Commission shall meet in regular session at least nine  
16 times per year not to exceed one meeting per month with not more  
17 than two consecutive calendar months between meetings and in special  
18 sessions as may be called by the Chair or a majority of the  
19 Commission. The Commission may hold any regular or special session  
20 at any location within this state. Should a location be chosen  
21 other than Commission headquarters in Oklahoma City for a regular or  
22 special meeting, notice shall be posted at Commission headquarters  
23 in Oklahoma City and advertised in the local newspaper of the city  
24 in which the meeting is to be held, at least one time during each of

1 the two (2) weeks prior to the meeting. The advertisements shall  
2 include time, date~~7~~ and address of location of the meeting.

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

5 1. ~~Institute an affirmative action plan for hiring women and~~  
6 ~~minorities throughout the agency;~~

7 ~~2.~~ Elect a chair, vice-chair~~7~~ and secretary, who shall perform  
8 the duties required of them by statutes, rules of the Commission~~7~~  
9 and the Constitution of the State of Oklahoma. The chair, vice-  
10 chair~~7~~ and secretary shall receive no extra compensation;

11 ~~3.~~ 2. Appoint a Director, and determine the qualifications of  
12 the Director and all assistants and employees. A Commissioner shall  
13 not be eligible for employment in any position within the  
14 Department;

15 ~~4.~~ 3. Prescribe rules and policies for the transaction of its  
16 business and the control of the Department;

17 ~~5.~~ 4. Develop and implement a plan to provide step raises for  
18 Commission employees so that discrepancies of pay levels within a  
19 pay grade are eliminated;

20 ~~6.~~ 5. Acquire by purchase, lease, gift~~7~~ or devise, waters, real  
21 property~~7~~ and personal property incident to the exercise of its  
22 functions and to maintain, operate, and dispose of the same;

1       ~~7.~~ 6. Acquire real property by condemnation only when the  
2 Attorney General or other counsel deems it an appropriate means of  
3 clearing title from willing or unavailable sellers;

4       ~~8.~~ 7. Supervise the establishment, extension, improvement~~,~~ and  
5 operation of the wildlife refuges, propagation areas or stations,  
6 public hunting areas, public fishing areas, game management areas~~,~~  
7 and fish hatcheries;

8       ~~9.~~ 8. Prescribe the manner of cooperation with the Oklahoma  
9 Tourism and Recreation Department, colleges and universities within  
10 the state, other state agencies, any agency of the federal  
11 government, and any city, town, school district~~,~~ or any other agency  
12 or organization in study of conservation and propagation of wildlife  
13 and in the establishment, maintenance~~,~~ and operation of visual  
14 educational facilities, recreational facilities~~,~~ and hunting and  
15 fishing facilities, in the study and propagation of wildlife;

16       ~~10.~~ 9. Supervise the letting of all contracts and purchases for  
17 the Department, with all purchases of personal property to be made  
18 through the Office of Management and Enterprise Services;

19       ~~11.~~ 10. Authorize all claims or expenditures prior to incurring  
20 payment except as otherwise provided in this Code;

21       ~~12.~~ 11. Prescribe rules on the use of Department-owned vehicles  
22 by the Director, department heads and other essential employees as  
23 the Commission deems necessary in order to perform their duties;

1       ~~13.~~ 12.   Prescribe rules for the sale of all regular or special  
2 licenses;

3       ~~14.~~ 13.   Publicize and encourage the conservation and  
4 appreciation of wildlife and all other natural resources;

5       ~~15.~~ 14.   Regulate the seasons and harvest of wildlife;

6       ~~16.~~ 15.   Promulgate rules to sell fishing and hunting licenses  
7 via the Internet;

8       ~~17.~~ 16.   Annually report to the Governor and the Legislature on  
9 the complete operation, activities, and plans of the Department,  
10 together with such recommendations for future activities as the  
11 Commission may deem to be in the best interest of the state; and

12       ~~18.~~ 17.   Provide the Governor and the Legislature with an annual  
13 inventory of all property and equipment.

14       SECTION 5.       AMENDATORY       29 O.S. 2011, Section 3-105, is  
15 amended to read as follows:

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

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

1        2. To appoint and employ such assistants, department heads,  
2 rangers, clerical help and other employees as the Commission may  
3 deem necessary, subject to the approval of the Commission. The  
4 Director shall fix and determine the salaries and wages to be paid  
5 under and subject to the rules and regulations as promulgated by the  
6 Commission; and the Director shall supervise and direct all  
7 employees of either the Commission or the Department and may  
8 suspend, discharge, station or transfer them at any time that, in  
9 his judgment, the Commission or the state will be best served  
10 thereby-i

11        3. To approve or disapprove and pay all legal claims for  
12 services rendered or expenses incurred by rangers and other  
13 employees of the Department in accordance with the schedules  
14 therefor and the rules and regulations previously adopted by the  
15 Commission-i

16        4. To establish and maintain a proper system of bookkeeping and  
17 accounting under the supervision of the State Auditor and  
18 Inspector-i

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



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

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

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

20       SECTION 6.       AMENDATORY       29 O.S. 2011, Section 3-201, is  
21 amended to read as follows:

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

1       B. All persons appointed game wardens shall be peace officers  
2 and have the full powers of peace officers of the State of Oklahoma  
3 in the enforcement of the provisions of this Code and are authorized  
4 to:

5       1. Enforce all state laws on Department-owned or Department-  
6 managed lands;

7       2. Enforce all other laws of this state; provided, that  
8 reasonable efforts shall be made to coordinate and cooperate with  
9 other law enforcement officers and law enforcement agencies;

10       3. Make arrests for wildlife conservation violations and  
11 nonconservation-related crimes with the same power and authority as  
12 sheriffs are vested with and in cooperation with other law  
13 enforcement officers and agencies;

14       4. Take into possession any and all protected wildlife, or any  
15 part thereof, killed, taken, shipped or in any possession contrary  
16 to the law, and the wildlife or parts thereof may be disposed of as  
17 determined by the Director or any court of competent jurisdiction;

18       5. Make a complaint and cause proceedings to be commenced  
19 against any person for violation of any of the laws for the  
20 protection and propagation of wildlife, with the sanction of the  
21 prosecuting or district attorney of the county in which the  
22 proceedings are brought, and shall not be required to give security  
23 for costs;

1       6. Be an authorized agent of the Commission or Department under  
2 Section 3-202 of this title in addition to duties as a game warden;  
3 and

4       7. Assist in enforcement of the state fire laws, upon request  
5 of the Oklahoma Department of Agriculture, Food, and Forestry.

6       C. 1. Pursuant to the provisions of this subsection, a game  
7 warden may operate a vehicle owned or leased by the Department upon  
8 a roadway during the hours of darkness without lighted headlamps,  
9 clearance lamps, or other illuminating devices. As used in this  
10 paragraph, "roadway" shall include any street or highway in this  
11 state except an interstate highway, a limited access highway, a  
12 state trunk highway, or any street or highway within the limits of  
13 an incorporated area.

14       2. Pursuant to the provisions of this subsection, a game warden  
15 may operate a vessel upon any waters of this state during the hours  
16 of darkness without the illuminating devices required by Section  
17 4207 of Title 63 of the Oklahoma Statutes.

18       3. A game warden may operate a vehicle or vessel without the  
19 illuminating devices specified in this subsection only if the  
20 operation:

21           a. is made in the performance of the duties of the game  
22           warden pursuant to the provisions of the Code, and  
23  
24

- b. (1) will aid in the accomplishment of a lawful arrest  
for any violation of the Oklahoma Wildlife Code  
or any rule or regulation promulgated thereto, or  
(2) will aid in ascertaining whether a violation of  
the Oklahoma Wildlife Conservation Code or any  
rule or regulation promulgated thereto has been  
or is about to be committed.

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

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

SECTION 7. AMENDATORY 29 O.S. 2011, Section 7-204, is  
amended to read as follows:

Section 7-204. All wildlife found in this state is the property  
of the ~~state~~ people of the State of Oklahoma pursuant to the  
Oklahoma Constitution, statutes and wildlife code.

1       SECTION 8.       REPEALER       29 O.S. 2011, Section 3-313, as  
2 amended by Section 119, Chapter 304, O.S.L. 2012 (29 O.S. Supp.  
3 2018, Section 3-313), is hereby repealed.

4       SECTION 9. This act shall become effective November 1, 2019.

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6       57-1-2097       QD       3/12/2019 4:02:00 PM

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