

1 ENGROSSED SENATE
2 BILL NO. 196

By: Bergstrom of the Senate

3 and

4 Steagall of the House

5
6 An Act relating to the Oklahoma Wildlife Conservation
7 Code; amending 29 O.S. 2021, Section 3-103, which
8 relates to function, powers, and duties of the
9 Oklahoma Wildlife Conservation Commission; removing
10 affirmative action plan requirement; amending 29 O.S.
11 2021, Section 3-105, which relates to powers and
12 duties of the Director of Wildlife Conservation;
13 removing power of Director to make a complaint and
14 cause proceedings against a person; updating
15 statutory language; making language gender neutral;
16 and providing an effective date.

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

18 SECTION 1. AMENDATORY 29 O.S. 2021, Section 3-103, is
19 amended to read as follows:

20 Section 3-103. A. The Oklahoma Wildlife Conservation
21 Commission shall constitute an advisory, administrative and
22 policymaking board for the protection, restoration, perpetuation,
23 conservation, supervision, maintenance, enhancement, and management
24 of wildlife in this state as provided in the Oklahoma Wildlife
25 Conservation Code.

26 B. The Director of Wildlife Conservation shall consult with the
27 Commission regarding the administration of the affairs of the

1 Department of Wildlife Conservation. The Commission is authorized
2 and empowered to require from the Director complete reports and
3 information relative to the affairs of the Department at the time
4 and in the manner the Commission may deem advisable.

5 C. The Commission shall meet in regular session at least nine
6 times per year not to exceed one meeting per month with not more
7 than two consecutive calendar months between meetings and in special
8 sessions as may be called by the Chair or a majority of the
9 Commission. The Commission may hold any regular or special session
10 at any location within this state. Should a location be chosen
11 other than Commission headquarters in Oklahoma City for a regular or
12 special meeting, notice shall be posted at Commission headquarters
13 in Oklahoma City and advertised in the local newspaper of the city
14 in which the meeting is to be held, at least one time during each of
15 the two (2) weeks prior to the meeting. The advertisements shall
16 include time, date, and address of location of the meeting.

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

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

21 2. ~~Elect a chair, vice-chair~~ vice chair, and secretary, who
22 shall perform the duties required of them by statutes, rules of the
23 Commission, and the Constitution of the State of Oklahoma. The
24

1 chair, ~~vice-chair~~ vice chair, and secretary shall receive no extra
2 compensation;

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

7 ~~4.~~ 3. Prescribe rules and policies for the transaction of its
8 business and the control of the Department;

9 ~~5.~~ 4. Develop and implement a plan to provide step raises for
10 Commission employees so that discrepancies of pay levels within a
11 pay grade are eliminated;

12 ~~6.~~ 5. Acquire by purchase, lease, gift, or devise, waters, real
13 property, and personal property incident to the exercise of its
14 functions and to maintain, operate, and dispose of the same;

15 ~~7.~~ 6. Acquire real property by condemnation only when the
16 Attorney General or other counsel deems it an appropriate means of
17 clearing title from willing or unavailable sellers;

18 ~~8.~~ 7. Supervise the establishment, extension, improvement, and
19 operation of the wildlife refuges, propagation areas or stations,
20 public hunting areas, public fishing areas, game management areas,
21 and fish hatcheries;

22 ~~9.~~ 8. Prescribe the manner of cooperation with the Oklahoma
23 Tourism and Recreation Department, colleges and universities within
24 the state, other state agencies, any agency of the federal

1 government, and any city, town, school district, or any other agency
2 or organization in study of conservation and propagation of wildlife
3 and in the establishment, maintenance, and operation of visual
4 educational facilities, recreational facilities, and hunting and
5 fishing facilities, in the study and propagation of wildlife;

6 ~~10.~~ 9. Supervise the letting of all contracts and purchases for
7 the Department, with all purchases of personal property to be made
8 through the Office of Management and Enterprise Services;

9 ~~11.~~ 10. Authorize all claims or expenditures prior to incurring
10 payment except as otherwise provided in this Code;

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

14 ~~13.~~ 12. Prescribe rules for the sale of all regular or special
15 licenses;

16 ~~14.~~ 13. Publicize and encourage the conservation and
17 appreciation of wildlife and all other natural resources;

18 ~~15.~~ 14. Regulate the seasons and harvest of wildlife;

19 ~~16.~~ 15. Promulgate rules to sell fishing and hunting licenses
20 via the Internet;

21 ~~17.~~ 16. Annually report to the Governor and the Legislature on
22 the complete operation, activities, and plans of the Department,
23 together with such recommendations for future activities as the
24 Commission may deem to be in the best interest of the state; and

1 ~~18.~~ 17. Provide the Governor and the Legislature with an annual
2 inventory of all property and equipment.

3 SECTION 2. AMENDATORY 29 O.S. 2021, Section 3-105, is
4 amended to read as follows:

5 Section 3-105. A. Immediately upon the appointment of the
6 Director of Wildlife Conservation, he or she shall become vested
7 with the duties and powers of the management and control of the
8 Department of Wildlife Conservation under such provisions, orders,
9 rules and regulations as may be prescribed by the Commission, and in
10 addition thereto shall have the following specific powers and
11 duties:

12 1. To manage and control, under the supervision of the Oklahoma
13 Wildlife Conservation Commission, all wildlife refuges and real or
14 personal properties which are held, operated or maintained by the
15 Department~~;~~;

16 2. To appoint and employ such assistants, department heads,
17 rangers, clerical help and other employees as the Commission may
18 deem necessary, subject to the approval of the Commission. The
19 Director shall fix and determine the salaries and wages to be paid
20 under and subject to the rules and regulations as promulgated by the
21 Commission; and the Director shall supervise and direct all
22 employees of either the Commission or the Department and may
23 suspend, discharge, station or transfer them at any time that, in
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1 his or her judgment, the Commission or the state will be best served
2 thereby-;

3 3. To approve or disapprove and pay all legal claims for
4 services rendered or expenses incurred by rangers and other
5 employees of the Department in accordance with the schedules
6 therefor and the rules and regulations previously adopted by the
7 Commission-;

8 4. To establish and maintain a proper system of bookkeeping and
9 accounting under the supervision of the State Auditor and
10 Inspector-;

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

17 ~~6. To make a complaint and cause proceedings to be commenced~~
18 ~~against any person for violation of any of the laws for the~~
19 ~~conservation of wildlife with the sanction of the district attorney~~
20 ~~of the county in which such proceedings are brought, and shall not~~
21 ~~be required to give security for costs. The Director may also~~
22 ~~appear in behalf of the people in any court of competent~~
23 ~~jurisdiction in any prosecution for a violation of any of the laws~~
24 ~~for the protection of wildlife, and may prosecute the same in the~~

1 ~~same manner and with the same authority as the district attorney of~~
2 ~~the county where such proceedings are pending in cases where such~~
3 ~~attorney is unable to be present or refuses to prosecute such case.~~

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

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

12 SECTION 3. This act shall become effective November 1, 2023.

13 Passed the Senate the 20th day of March, 2023.

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16 Presiding Officer of the Senate

17 Passed the House of Representatives the ____ day of _____,
18 2023.

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21 Presiding Officer of the House
22 of Representatives
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