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February 26, 2024

AS AMENDED

SENATE BILL NO. 1840

By: Dahm

An Act relating to the Oklahoma Wildlife Conservation Code; amending 29 O.S. 2021, Sections 2-108.1, 2-109, 2-110, 2-116.1, and 2-135, which relate to words and phrases; modifying definitions; amending 29 O.S. 2021, Sections 3-103, 3-105, and 3-201, which relate to members, functions, powers, and duties of the Oklahoma Wildlife Conservation Commission, powers and duties of Director and game wardens; removing affirmative action plan requirement; modifying certain powers; removing power of Director to make a complaint and cause proceedings against a person; requiring game warden to enforce laws through coordination and cooperation with other law enforcement agencies; updating statutory language; amending 29 O.S. 2021, Section 7-204, which relates to wildlife; making wildlife property of the people of Oklahoma; updating statutory language; repealing 29 O.S. 2021, Section 3-313, which relates to an account within the Wildlife Conservation Fund; updating statutory references; making language gender neutral; and providing an effective date.

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

SECTION 1. AMENDATORY 29 O.S. 2021, Section 2-108.1, is amended to read as follows:

Section 2-108.1. "Domesticated animal" means an animal kept for pleasure or for utility, that has adapted to life in association with and to the use of human beings, and shall not include animals

1 which normally can be found in the wild state, unless specifically
2 so designated by the Oklahoma Wildlife Conservation Commission or as
3 designated by the Oklahoma Statutes.

4 SECTION 2. AMENDATORY 29 O.S. 2021, Section 2-109, is
5 amended to read as follows:

6 Section 2-109. "Endangered" refers to any wildlife species or
7 subspecies in the wild or in captivity whose prospects of survival
8 and reproduction are in immediate jeopardy and includes those
9 species listed as endangered ~~by the federal government~~, as well as
10 any species or subspecies identified as threatened by Oklahoma
11 ~~statute~~ Statutes or Oklahoma Wildlife Conservation Commission
12 resolution.

13 SECTION 3. AMENDATORY 29 O.S. 2021, Section 2-110, is
14 amended to read as follows:

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

20 SECTION 4. AMENDATORY 29 O.S. 2021, Section 2-116.1, is
21 amended to read as follows:

22 Section 2-116.1. "Game warden" is a ~~duly authorized~~ CLEET-
23 certified employee of the Department whose ~~primary duties are the~~
24 ~~enforcement of~~ duty is to enforce the wildlife conservation laws of

1 ~~Oklahoma~~ this state. Whenever the word "ranger" appears in ~~this~~
2 ~~title~~ the Oklahoma Wildlife Conversation Code it shall have the same
3 meaning as "game warden".

4 SECTION 5. AMENDATORY 29 O.S. 2021, Section 2-135, is
5 amended to read as follows:

6 Section 2-135. "Threatened" refers to any wildlife species or
7 subspecies in the wild or in captivity that, although not presently
8 threatened with extinction, are in such small numbers throughout
9 their range that they may become an endangered species within the
10 foreseeable future or that they may be endangered if their
11 environment deteriorates. Threatened species and subspecies include
12 ~~those species and subspecies listed as "threatened" by the federal~~
13 ~~government as well as~~ any species or subspecies identified as
14 threatened by Oklahoma ~~statutes~~ Statutes or Oklahoma Wildlife
15 Conservation Commission resolution.

16 SECTION 6. AMENDATORY 29 O.S. 2021, Section 3-103, is
17 amended to read as follows:

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

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

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

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

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

23 2. Elect a chair, ~~vice-chair~~ vice chair, and secretary, who
24 shall perform the duties required of them by statutes, rules of the

1 Commission, and the Constitution of the State of Oklahoma. The
2 chair, ~~vice-chair~~ vice chair, and secretary shall receive no extra
3 compensation;

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

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

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

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

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

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

1 ~~9.~~ 8. Prescribe the manner of cooperation with the Oklahoma
2 Tourism and Recreation Department, colleges and universities within
3 the state, other state agencies, any agency of the federal
4 government, and any city, town, school district, or any other agency
5 or organization in study of conservation and propagation of wildlife
6 and in the establishment, maintenance, and operation of visual
7 educational facilities, recreational facilities, and hunting and
8 fishing facilities, in the study and propagation of wildlife;

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

12 ~~11.~~ 10. Authorize all claims or expenditures prior to incurring
13 payment except as otherwise provided in this Code;

14 ~~12.~~ 11. Prescribe rules on the use of Department-owned vehicles
15 by the Director, department heads and other essential employees as
16 the Commission deems necessary in order to perform their duties;

17 ~~13.~~ 12. Prescribe rules for the sale of all regular or special
18 licenses;

19 ~~14.~~ 13. Publicize and encourage the conservation and
20 appreciation of wildlife and all other natural resources;

21 ~~15.~~ 14. Regulate the seasons and harvest of wildlife;

22 ~~16.~~ 15. Promulgate rules to sell fishing and hunting licenses
23 via the Internet;

1 ~~17.~~ 16. Annually report to the Governor and the Legislature on
2 the complete operation, activities, and plans of the Department,
3 together with such recommendations for future activities as the
4 Commission may deem to be in the best interest of the state; and

5 ~~18.~~ 17. Provide the Governor and the Legislature with an annual
6 inventory of all property and equipment.

7 SECTION 7. AMENDATORY 29 O.S. 2021, Section 3-105, is
8 amended to read as follows:

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

16 1. To manage and control, under the supervision of the
17 Commission, all wildlife refuges and real or personal properties
18 which are held, operated or maintained by the Department-i

19 2. To appoint and employ such assistants, department heads,
20 rangers, clerical help and other employees as the Commission may
21 deem necessary, subject to the approval of the Commission. The
22 Director shall fix and determine the salaries and wages to be paid
23 under and subject to the rules and regulations as promulgated by the
24 Commission; and the Director shall supervise and direct all

1 employees of either the Commission or the Department and may
2 suspend, discharge, station or transfer them at any time that, in
3 his judgment, the Commission or the state will be best served
4 thereby-;i

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

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

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

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

1 ~~jurisdiction in any prosecution for a violation of any of the laws~~
2 ~~for the protection of wildlife, and may prosecute the same in the~~
3 ~~same manner and with the same authority as the district attorney of~~
4 ~~the county where such proceedings are pending in cases where such~~
5 ~~attorney is unable to be present or refuses to prosecute such case.~~

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

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

14 SECTION 8. AMENDATORY 29 O.S. 2021, Section 3-201, is
15 amended to read as follows:

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

19 B. All persons appointed game wardens shall be peace officers
20 and have the full powers of peace officers of ~~the State of Oklahoma~~
21 this state in the enforcement of the provisions of this Code and are
22 authorized to:

23 1. Enforce all state laws on Department-owned or Department-
24 managed lands;

1 2. Enforce all other laws of this state through coordination
2 and cooperation with other law enforcement officers and law
3 enforcement agencies;

4 3. Make arrests for wildlife conservation violations and
5 nonconservation-related crimes with the same power and authority as
6 sheriffs are vested with and in cooperation with other law
7 enforcement officers and agencies;

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

12 5. Make a complaint and cause proceedings to be commenced
13 against any person for violation of any of the laws for the
14 protection and propagation of wildlife, with the sanction of the
15 prosecuting or district attorney of the county in which the
16 proceedings are brought, and shall not be required to give security
17 for costs;

18 6. Be an authorized agent of the Oklahoma Wildlife Conservation
19 Commission or Department under Section 3-202 of this title in
20 addition to duties as a game warden; and

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

23 C. 1. Pursuant to the provisions of this subsection, a game
24 warden may operate a vehicle owned or leased by the Department upon

1 a roadway during the hours of darkness without lighted headlamps,
2 clearance lamps, or other illuminating devices. As used in this
3 paragraph, "roadway" shall include any street or highway in this
4 state except an interstate highway, a limited access highway, a
5 state trunk highway, or any street or highway within the limits of
6 an incorporated area.

7 2. Pursuant to the provisions of this subsection, a game warden
8 may operate a vessel upon any waters of this state during the hours
9 of darkness without the illuminating devices required by Section
10 4207 of Title 63 of the Oklahoma Statutes.

11 3. A game warden may operate a vehicle or vessel without the
12 illuminating devices specified in this subsection only if the
13 operation:

14 a. is made in the performance of the duties of the game
15 warden pursuant to the provisions of the Oklahoma
16 Wildlife Conservation Code, and

17 b. (1) will aid in the accomplishment of a lawful arrest
18 for any violation of the Code or any rule or
19 regulation promulgated thereto, or

20 (2) will aid in ascertaining whether a violation of
21 the Code or any rule or regulation promulgated
22 thereto has been or is about to be committed.

23 D. Any person who refuses to stop a vehicle or boat when
24 requested to do so by a game warden in the performance of the duties

1 of the game warden is guilty of a misdemeanor and upon conviction is
2 punishable by a fine ~~of~~ not less than One Hundred Dollars (\$100.00)
3 nor more than Five Hundred Dollars (\$500.00).

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

10 F. Pursuant to the provisions of subsection B of this section
11 and the Oklahoma Wildlife Conservation Code, a game warden shall not
12 have authority to use or place a game or wildlife camera on private
13 property without the permission of the owner or controller of the
14 property or pursuant to a warrant issued by a court of competent
15 jurisdiction.

16 SECTION 9. AMENDATORY 29 O.S. 2021, Section 7-204, is
17 amended to read as follows:

18 Section 7-204. All wildlife found on publicly accessible lands
19 in this state is the property of the ~~state~~ people of this state.

20 SECTION 10. REPEALER 29 O.S. 2021, Section 3-313, is
21 hereby repealed.

22 SECTION 11. This act shall become effective November 1, 2024.

23 COMMITTEE REPORT BY: COMMITTEE ON TOURISM AND WILDLIFE
24 February 26, 2024 - DO PASS AS AMENDED