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February 20, 2023

**AS AMENDED**

SENATE BILL NO. 196

By: Bergstrom

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[ Oklahoma Wildlife Conservation Code - powers and
duties - plan requirement - property - account -
effective date ]
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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 which normally can be found in the wild state, unless specifically so designated by the Oklahoma Wildlife Conservation Commission or as designated by the Oklahoma Statutes.

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

Section 2-109. "Endangered" refers to any wildlife species or subspecies in the wild or in captivity whose prospects of survival and reproduction are in immediate jeopardy and includes those species listed as endangered ~~by the federal government~~, as well as

1 any species or subspecies identified as threatened by Oklahoma  
2 ~~statute~~ Statutes or Commission resolution.

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

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

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

12 Section 2-116.1. "Game warden" is a ~~duly~~ CLEET-certified  
13 ~~authorized~~ employee of the Department whose ~~primary duties are the~~  
14 ~~enforcement of~~ duty is to enforce the wildlife conservation laws of  
15 ~~Oklahoma~~ this state. Whenever the word "ranger" appears in ~~this~~  
16 ~~title~~ the Oklahoma Wildlife Conversation Code it shall have the same  
17 meaning as "game warden".

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

20 Section 2-135. "Threatened" refers to any wildlife species or  
21 subspecies in the wild or in captivity that, although not presently  
22 threatened with extinction, are in such small numbers throughout  
23 their range that they may become an endangered species within the  
24 foreseeable future or that they may be endangered if their

1 environment deteriorates. Threatened species and subspecies include  
2 those species and subspecies listed as "threatened" by the federal  
3 government as well as any species or subspecies identified as  
4 threatened by Oklahoma ~~statutes~~ Statutes or Commission resolution.

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

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

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

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

1 special meeting, notice shall be posted at Commission headquarters  
2 in Oklahoma City and advertised in the local newspaper of the city  
3 in which the meeting is to be held, at least one time during each of  
4 the two (2) weeks prior to the meeting. The advertisements shall  
5 include time, date, and address of location of the meeting.

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

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

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

15 3. 2. Appoint a Director, and determine the qualifications of  
16 the Director and all assistants and employees. A Commissioner shall  
17 not be eligible for employment in any position within the  
18 Department;

19 4. 3. Prescribe rules and policies for the transaction of its  
20 business and the control of the Department;

21 5. 4. Develop and implement a plan to provide step raises for  
22 Commission employees so that discrepancies of pay levels within a  
23 pay grade are eliminated;

24

1       ~~6.~~ 5. Acquire by purchase, lease, gift, or devise, waters, real  
2 property, and personal property incident to the exercise of its  
3 functions and to maintain, operate, and dispose of the same;

4       ~~7.~~ 6. Acquire real property by condemnation only when the  
5 Attorney General or other counsel deems it an appropriate means of  
6 clearing title from willing or unavailable sellers;

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

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

19       ~~10.~~ 9. Supervise the letting of all contracts and purchases for  
20 the Department, with all purchases of personal property to be made  
21 through the Office of Management and Enterprise Services;

22       ~~11.~~ 10. Authorize all claims or expenditures prior to incurring  
23 payment except as otherwise provided in this Code;

24

1       ~~12.~~ 11. Prescribe rules on the use of Department-owned vehicles  
2 by the Director, department heads and other essential employees as  
3 the Commission deems necessary in order to perform their duties;

4       ~~13.~~ 12. Prescribe rules for the sale of all regular or special  
5 licenses;

6       ~~14.~~ 13. Publicize and encourage the conservation and  
7 appreciation of wildlife and all other natural resources;

8       ~~15.~~ 14. Regulate the seasons and harvest of wildlife;

9       ~~16.~~ 15. Promulgate rules to sell fishing and hunting licenses  
10 via the Internet;

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

15       ~~18.~~ 17. Provide the Governor and the Legislature with an annual  
16 inventory of all property and equipment.

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

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

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

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

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

19       4. To establish and maintain a proper system of bookkeeping and  
20 accounting under the supervision of the State Auditor and  
21 Inspector-i

22       5. To promote and manage wildlife propagation by raising and  
23 distributing the same over the state at the direction of the  
24 Commission; to capture, propagate, transport, buy, sell or exchange

1 any species of fish, game, furbearing animals and protected birds  
2 needed for stocking the lands or waters of the state; and to feed,  
3 provide and care for such fish, animals and birds-; and

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

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

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

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



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

4       B. All persons appointed game wardens shall be peace officers  
5 and have the full powers of peace officers of ~~the State of Oklahoma~~  
6 this state in the enforcement of the provisions of this Code and are  
7 authorized to:

8       1. Enforce all state laws on Department-owned or Department-  
9 managed lands;

10       2. Enforce all other laws of this state;

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

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

19       5. Make a complaint and cause proceedings to be commenced  
20 against any person for violation of any of the laws for the  
21 protection and propagation of wildlife, with the sanction of the  
22 prosecuting or district attorney of the county in which the  
23 proceedings are brought, and shall not be required to give security  
24 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

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

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

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

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

18          F.   Pursuant to the provisions of subsection B of this section  
19 and the Oklahoma Wildlife Conservation Code, a game warden shall not  
20 have authority to use or place a game or wildlife camera on private  
21 property without the permission of the owner or controller of the  
22 property or pursuant to a warrant issued by a court of competent  
23 jurisdiction.

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

3       Section 7-204. All wildlife found in this state is the property  
4 of the ~~state~~ people of this state, and the authority to oversee all  
5 wildlife is pursuant to the Legislature.

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

8       SECTION 11. This act shall become effective November 1, 2023.

9 COMMITTEE REPORT BY: COMMITTEE ON TOURISM AND WILDLIFE  
February 20, 2023 - DO PASS AS AMENDED  
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