

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1840

By: Dahm

AS INTRODUCED

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:

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

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

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

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

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

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

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

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

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

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

21 Section 3-103. A. The Oklahoma Wildlife Conservation
22 Commission shall constitute an advisory, administrative and
23 policymaking board for the protection, restoration, perpetuation,
24 conservation, supervision, maintenance, enhancement, and management

1 of wildlife in this state as provided in the Oklahoma Wildlife
2 Conservation Code.

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

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

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

- 23 1. ~~Institute an affirmative action plan for hiring women and~~
24 ~~minorities throughout the agency;~~

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

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

10 ~~4.~~ 3. Prescribe rules and policies for the transaction of its
11 business and the control of the Department;

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

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

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

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

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

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

14 ~~11.~~ 10. Authorize all claims or expenditures prior to incurring
15 payment except as otherwise provided in this Code;

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

19 ~~13.~~ 12. Prescribe rules for the sale of all regular or special
20 licenses;

21 ~~14.~~ 13. Publicize and encourage the conservation and
22 appreciation of wildlife and all other natural resources;

23 ~~15.~~ 14. Regulate the seasons and harvest of wildlife;

1 ~~16.~~ 15. Promulgate rules to sell fishing and hunting licenses
2 via the Internet;

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

7 ~~18.~~ 17. Provide the Governor and the Legislature with an annual
8 inventory of all property and equipment.

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

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

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

21 2. To appoint and employ such assistants, department heads,
22 rangers, clerical help and other employees as the Commission may
23 deem necessary, subject to the approval of the Commission. The
24 Director shall fix and determine the salaries and wages to be paid

1 under and subject to the rules and regulations as promulgated by the
2 Commission; and the Director shall supervise and direct all
3 employees of either the Commission or the Department and may
4 suspend, discharge, station or transfer them at any time that, in
5 his judgment, the Commission or the state will be best served
6 thereby-;

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

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

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

21 ~~6. To make a complaint and cause proceedings to be commenced~~
22 ~~against any person for violation of any of the laws for the~~
23 ~~conservation of wildlife with the sanction of the district attorney~~
24 ~~of the county in which such proceedings are brought, and shall not~~

1 ~~be required to give security for costs. The Director may also~~
2 ~~appear in behalf of the people in any court of competent~~
3 ~~jurisdiction in any prosecution for a violation of any of the laws~~
4 ~~for the protection of wildlife, and may prosecute the same in the~~
5 ~~same manner and with the same authority as the district attorney of~~
6 ~~the county where such proceedings are pending in cases where such~~
7 ~~attorney is unable to be present or refuses to prosecute such case.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

9 2. Pursuant to the provisions of this subsection, a game warden
10 may operate a vessel upon any waters of this state during the hours
11 of darkness without the illuminating devices required by Section
12 4207 of Title 63 of the Oklahoma Statutes.

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

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

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

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

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

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

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

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

20 Section 7-204. All wildlife found in this state is the property
21 of the ~~state~~ people of this state, and the authority to manage all
22 wildlife is pursuant to the Legislature.

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

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

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