

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. 1

COMMITTEE AMENDMENT

(Date)

I move to amend Senate Bill No. 196, by the attached floor substitute (Request #2011) for the title, enacting clause and entire body of the measure.

Submitted by:

Michael Bergstrom

Senator **BERGSTROM**

I hereby grant permission for the floor substitute to be adopted.

[Signature]

Senator Bullard, Chair (required)

Senator Garvin

[Signature]

Senator Gollihare

Senator Pederson

Michael Bergstrom

Senator Bergstrom

Patricia Dahm

Senator Dahm

Senator Matthews

[Signature]

Senator Pemberton

Blake Stephens

Senator Stephens

Senator Dossett

John Dugger

Senator Dugger

Senator Treat, President Pro Tempore

Senator McCortney, Majority Floor Leader

Note: Tourism and Wildlife committee majority requires six (6) members' signatures.

Bergstrom-MR-FS-SB196
3/7/2023 1:54 PM

(Floor Amendments Only)

Date and Time Filed: 3-7-23 2:22 pm *jd*

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 FLOOR SUBSTITUTE

4 FOR

5 SENATE BILL NO. 196

6 By: Bergstrom

7 FLOOR SUBSTITUTE

8 [Oklahoma Wildlife Conservation Code - powers and
9 duties - plan requirement - property - account -
10 effective date]

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

21 B. The Director of Wildlife Conservation shall consult with the
22 Commission regarding the administration of the affairs of the
23 Department of Wildlife Conservation. The Commission is authorized
24 and empowered to require from the Director complete reports and

1 information relative to the affairs of the Department at the time
2 and in the manner the Commission may deem advisable.

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

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

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

19 2. Elect a chair, ~~vice-chair~~ vice chair, and secretary, who
20 shall perform the duties required of them by statutes, rules of the
21 Commission, and the Constitution of the State of Oklahoma. The
22 chair, ~~vice-chair~~ vice chair, and secretary shall receive no extra
23 compensation;

24

1 ~~3.~~ 2. Appoint a Director, and determine the qualifications of
2 the Director and all assistants and employees. A Commissioner shall
3 not be eligible for employment in any position within the
4 Department;

5 ~~4.~~ 3. Prescribe rules and policies for the transaction of its
6 business and the control of the Department;

7 ~~5.~~ 4. Develop and implement a plan to provide step raises for
8 Commission employees so that discrepancies of pay levels within a
9 pay grade are eliminated;

10 ~~6.~~ 5. Acquire by purchase, lease, gift, or devise, waters, real
11 property, and personal property incident to the exercise of its
12 functions and to maintain, operate, and dispose of the same;

13 ~~7.~~ 6. Acquire real property by condemnation only when the
14 Attorney General or other counsel deems it an appropriate means of
15 clearing title from willing or unavailable sellers;

16 ~~8.~~ 7. Supervise the establishment, extension, improvement, and
17 operation of the wildlife refuges, propagation areas or stations,
18 public hunting areas, public fishing areas, game management areas,
19 and fish hatcheries;

20 ~~9.~~ 8. Prescribe the manner of cooperation with the Oklahoma
21 Tourism and Recreation Department, colleges and universities within
22 the state, other state agencies, any agency of the federal
23 government, and any city, town, school district, or any other agency
24 or organization in study of conservation and propagation of wildlife

1 and in the establishment, maintenance, and operation of visual
2 educational facilities, recreational facilities, and hunting and
3 fishing facilities, in the study and propagation of wildlife;

4 ~~10.~~ 9. Supervise the letting of all contracts and purchases for
5 the Department, with all purchases of personal property to be made
6 through the Office of Management and Enterprise Services;

7 ~~11.~~ 10. Authorize all claims or expenditures prior to incurring
8 payment except as otherwise provided in this Code;

9 ~~12.~~ 11. Prescribe rules on the use of Department-owned vehicles
10 by the Director, department heads and other essential employees as
11 the Commission deems necessary in order to perform their duties;

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

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

16 ~~15.~~ 14. Regulate the seasons and harvest of wildlife;

17 ~~16.~~ 15. Promulgate rules to sell fishing and hunting licenses
18 via the Internet;

19 ~~17.~~ 16. Annually report to the Governor and the Legislature on
20 the complete operation, activities, and plans of the Department,
21 together with such recommendations for future activities as the
22 Commission may deem to be in the best interest of the state; and

23 ~~18.~~ 17. Provide the Governor and the Legislature with an annual
24 inventory of all property and equipment.

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

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

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

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

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

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

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

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

24

1 ~~the county where such proceedings are pending in cases where such~~
2 ~~attorney is unable to be present or refuses to prosecute such case.~~

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

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

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

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