

1 STATE OF OKLAHOMA

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

3 SENATE BILL 196

By: Bergstrom

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Wildlife Conservation
8 Code; amending 29 O.S. 2021, Sections 2-108.1, 2-109,
9 2-110, 2-116.1, and 2-135, which relate to words and
10 phrases; modifying definitions; amending 29 O.S.
11 2021, Sections 3-103, 3-105, and 3-201, which relate
12 to members, function, powers, and duties of the
13 Oklahoma Wildlife Conservation Commission, powers and
14 duties of Director and game wardens; removing
15 affirmative action plan requirement; modifying
16 certain powers; removing power of Director to make a
17 complaint and cause proceedings against a person;
18 updating statutory language; amending 29 O.S. 2021,
19 Section 7-204, which relates to wildlife; making
20 wildlife property of the people of Oklahoma; updating
21 statutory language; repealing 29 O.S. 2021, Section
22 3-313, which relates to an account within the
23 Wildlife Conservation Fund; and providing an
24 effective date.

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

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

21 Section 2-108.1. "Domesticated animal" means an animal kept for
22 pleasure or for utility, that has adapted to life in association
23 with and to the use of human beings, and shall not include animals
24 which normally can be found in the wild state, unless specifically

1 so designated by the Oklahoma Wildlife Conservation Commission or as
2 designated by the Oklahoma Statutes.

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

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

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

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

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

20 Section 2-116.1. "Game warden" is a ~~duly~~ CLEET-certified
21 ~~authorized~~ employee of the Department whose ~~primary duties are the~~
22 ~~enforcement of~~ duty is to enforce the wildlife conservation laws of
23 ~~Oklahoma~~ this state. Whenever the word "ranger" appears in ~~this~~
24

1 ~~title~~ the Oklahoma Wildlife Conversation Code it shall have the same
2 meaning as "game warden".

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

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

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

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

21 B. The Director shall consult with the Commission regarding the
22 administration of the affairs of the Department of Wildlife
23 Conservation. The Commission is authorized and empowered to require
24 from the Director complete reports and information relative to the
25

1 affairs of the Department at the time and in the manner the
2 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;

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 7. 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, he shall become vested with the duties and powers of the
5 management and control of the Department under such provisions,
6 orders, rules and regulations as may be prescribed by the
7 Commission, and in addition thereto shall have the following
8 specific powers and duties:

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

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

22 3. To approve or disapprove and pay all legal claims for
23 services rendered or expenses incurred by rangers and other
24 employees of the Department in accordance with the schedules

1 therefor and the rules and regulations previously adopted by the
2 Commission-;

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

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

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

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

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

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

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

12 B. All persons appointed game wardens shall be peace officers
13 and have the full powers of peace officers of ~~the State of Oklahoma~~
14 this state in the enforcement of the provisions of this Code and are
15 authorized to:

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

18 2. Enforce all other laws of this state;

19 3. Make arrests for wildlife conservation violations and
20 nonconservation-related crimes with the same power and authority as
21 sheriffs are vested with and in cooperation with other law
22 enforcement officers and agencies;

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

3 5. Make a complaint and cause proceedings to be commenced
4 against any person for violation of any of the laws for the
5 protection and propagation of wildlife, with the sanction of the
6 prosecuting or district attorney of the county in which the
7 proceedings are brought, and shall not be required to give security
8 for costs;

9 6. Be an authorized agent of the Commission or Department under
10 Section 3-202 of this title in addition to duties as a game warden;
11 and

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

14 C. 1. Pursuant to the provisions of this subsection, a game
15 warden may operate a vehicle owned or leased by the Department upon
16 a roadway during the hours of darkness without lighted headlamps,
17 clearance lamps, or other illuminating devices. As used in this
18 paragraph, "roadway" shall include any street or highway in this
19 state except an interstate highway, a limited access highway, a
20 state trunk highway, or any street or highway within the limits of
21 an incorporated area.

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

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

6 a. is made in the performance of the duties of the game
7 warden pursuant to the provisions of the Code, and

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

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

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

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

1 F. Pursuant to the provisions of subsection B of this section
2 and the Oklahoma Wildlife Conservation Code, a game warden shall not
3 have authority to use or place a game or wildlife camera on private
4 property without the permission of the owner or controller of the
5 property or pursuant to a warrant issued by a court of competent
6 jurisdiction.

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

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

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

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

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16 59-1-850 MR 1/9/2023 11:28:25 AM
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