

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2643

By: Wallace

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5
6 AS INTRODUCED

7 An Act relating to game and fish; amending 29 O.S.
8 2011, Section 3-105, which relates to powers and
duties of the Director of Wildlife Conservation;
9 updating statutory language; authorizing the Director
to initiate and conduct certain administrative
10 proceedings; amending 29 O.S. 2011, Section 4-101, as
amended by Section 1, Chapter 341, O.S.L. 2013 (29
11 O.S. Supp. 2015, Section 4-101), which relates to
license usage and general requirements; providing for
12 the revocation of certain licenses based on certain
findings in a final administrative order; and
13 declaring an emergency.

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

16 SECTION 1. AMENDATORY 29 O.S. 2011, Section 3-105, is
17 amended to read as follows:

18 Section 3-105. A. Immediately upon ~~the~~ appointment ~~of,~~ the
19 Director, ~~he~~ of Wildlife Conservation shall become vested with the
20 duties and powers of the management and control of the Department of
21 Wildlife Conservation under ~~such~~ any provisions, orders, ~~and~~ rules
22 ~~and regulations~~ as may be prescribed by the Wildlife Conservation
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~~. 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 Director judges the Commission or the state will
13 be best served ~~thereby.~~ by the action;

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 regulation~~ 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~~

1 6. To capture, propagate, transport, buy, sell or exchange any
2 species of fish, game, furbearing animals and protected birds needed
3 for stocking the lands or waters of the state, and to feed, provide
4 and care for such fish, animals and birds;

5 ~~6.~~ 7. To make a complaint and cause proceedings to be commenced
6 against any person for violation of any of the laws for the
7 protection or conservation of wildlife with the sanction of the
8 district attorney of the county in which ~~such~~ the proceedings are
9 brought, and shall not be required to give security for costs. The
10 Director may also appear in behalf of the people in any court of
11 competent jurisdiction in any prosecution for a violation of any of
12 the laws for the protection or conservation of wildlife, and may
13 prosecute the same in the same manner and with the same authority as
14 the district attorney of the county where ~~such~~ the proceedings are
15 pending in cases where ~~such~~ the district attorney is unable to be
16 present or refuses to prosecute ~~such~~ the case. In addition, the
17 Director may initiate and conduct an administrative proceeding
18 against any person for violation of any of the laws for the
19 protection or conservation of wildlife in accordance with rules
20 promulgated by the Commission; and

21 ~~7.~~ 8. To make emergency purchases of equipment, materials and
22 supplies under rules and regulations prescribed by the Commission.

23 B. All duties and authority imposed or conferred upon the
24 former Wildlife Conservation Director by any statute, rule or

1 regulation of the Commission are hereby imposed and conferred upon
2 the Director until such time as the Commission or the Legislature
3 shall, by appropriate measure, change such duties or authority
4 imposed by said Commission.

5 SECTION 2. AMENDATORY 29 O.S. 2011, Section 4-101, as
6 amended by Section 1, Chapter 341, O.S.L. 2013 (29 O.S. Supp. 2015,
7 Section 4-101), is amended to read as follows:

8 Section 4-101. A. All licenses and permits issued by the
9 Director of Wildlife Conservation, the Department of Wildlife
10 Conservation or by any of its agents shall be used only in
11 conformity with the provisions of this title and the rules
12 promulgated by the Oklahoma Wildlife Conservation Commission.

13 B. All persons making application for any licenses required by
14 this section shall produce a valid license to operate a motor
15 vehicle or other positive proof of identification, age and
16 residency, and any such license issued shall show such data as well
17 as the date and time of issuance.

18 C. All licenses are nontransferable. No person shall alter,
19 change, lend or transfer any license. No person shall use or borrow
20 a license which has not been issued to that person by the Director,
21 the Department or by any of its agents pursuant to the provisions of
22 this section.

23 D. No person may engage in activities requiring a license
24 without that person's carrying such license on their person and

1 producing the same for an inspection upon the demand of any Oklahoma
2 citizen or game warden.

3 E. Any person required to produce a license ~~must~~ shall also
4 identify themselves as the person to whom ~~such~~ the license was
5 issued, and failure or refusal to comply shall be deemed prima facie
6 evidence of a violation of this section.

7 F. Unless otherwise provided for in this ~~Code~~ title:

8 1. Hunting licenses issued pursuant to paragraph 1 of
9 subsection C and paragraphs 1 and 3 of subsection E of Section 4-112
10 of this title and paragraphs 1 and 3 of subsection B of Section 4-
11 113 of this title shall expire on December 31 of the year issued.
12 Hunting licenses issued pursuant to paragraph 2 of subsection C and
13 paragraphs 2 and 4 of subsection E of Section 4-112 of this title
14 and paragraphs 2 and 4 of subsection B of Section 4-113 of this
15 title shall expire on June 30 of the fiscal year issued. All other
16 licenses shall terminate December 31 for the year issued; and

17 2. Any person convicted of violating any of the provisions of
18 this title or who is found to have violated any of the provisions of
19 this title as set forth in a final administrative order issued by
20 the Commission may have any or all licenses held by that person or
21 the privilege of applying for, purchasing or exercising the benefits
22 conferred by the licenses revoked by the Department in accordance
23 with rules promulgated by the Commission or by a court of competent
24 jurisdiction for a period of not less than one (1) year. For

1 purposes of this paragraph, a court conviction, a plea of guilty, a
2 plea of nolo contendere, the imposition of a deferred or suspended
3 sentence by a court, or forfeiture of bond shall be deemed a
4 conviction.

5 G. Should any license or permit issued pursuant to Part 1 of
6 Article IV of this title be lost or destroyed, duplicates will be
7 issued by the Department at a fee of One Dollar and fifty cents
8 (\$1.50).

9 H. Upon harvesting any whitetail or mule deer, or any other
10 wildlife where the hunter, according to Commission rules, is
11 required to check the wildlife in at a Department check station, the
12 taker of the wildlife shall:

13 1. Securely attach the name of the taker, time of harvest, date
14 of harvest and license number to the carcass of the wildlife;

15 2. Check in the carcass of the wildlife electronically using
16 the online check station provided on the official website of the
17 Oklahoma Department of Wildlife Conservation or as prescribed by
18 rule of the Commission, within twenty-four (24) hours of leaving the
19 hunt area and in all cases prior to processing the carcass; and

20 3. Not remove evidence of the sex of the animal until after the
21 carcass of the animal has been checked in.

22 I. It shall be unlawful for any license or permit holder to
23 knowingly make a false statement or give false information to any
24 authorized hunter check station or to an authorized Department

1 employee when complying with the provisions of subsection H of this
2 section. Information which may be collected at a Department check
3 station shall include but not be limited to the name, address,
4 license or permit number and signature of the taker, the date, time,
5 county, method or weapon of the kill, sex and weight of carcass,
6 whether or not the animal was taken on public hunting land and if so
7 in what area, or any other information which may be required by the
8 Commission.

9 J. 1. Any person convicted of violating the provisions of this
10 section or of making a false statement or giving any false
11 information in order to acquire any license or permit, pursuant to
12 the provisions of this section, shall be punishable by a fine of not
13 less than One Hundred Dollars (\$100.00) nor more than Two Hundred
14 Fifty Dollars (\$250.00), or by imprisonment in the county jail for a
15 period not to exceed ten (10) days, or by both such fine and
16 imprisonment. Any person convicted of a second or subsequent
17 violation of the provisions of this section or of making a false
18 statement or giving any false information in order to acquire any
19 license or permit, pursuant to the provisions of this section, shall
20 be punishable by a fine of not less than Two Hundred Fifty Dollars
21 (\$250.00) nor more than Seven Hundred Fifty Dollars (\$750.00), or by
22 imprisonment in the county jail for a period not to exceed ten (10)
23 days, or by both such fine and imprisonment.

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1 2. Any hunting or fishing license issued to a person by the
2 Department of Wildlife Conservation shall be automatically revoked
3 upon conviction of the person of violating the provisions of this
4 section. The revocation shall be for a period set by the court of
5 not less than one (1) year nor more than ten (10) years. If the
6 court does not set a period, the revocation shall be for one (1)
7 year from the date of the conviction. During this period of
8 revocation, the Department shall not issue the person a hunting or
9 fishing license. If the court does not set a revocation period, the
10 Department shall not issue that person a license within one (1) year
11 of the conviction of the person pursuant to this section. A person
12 who has a license or permit revoked pursuant to this section shall
13 surrender the revoked license or permit to the court. The court
14 shall send the Department of Wildlife Conservation the revoked
15 license and a copy of the judgment of conviction. For purposes of
16 this section, "conviction" shall include a plea of guilty or nolo
17 contendere to an offense or the imposition of deferred adjudication
18 for an offense.

19 K. Any person who has had their license privileges revoked
20 shall not be entitled to purchase, apply for, or exercise the
21 benefits conferred by any license until the revocation period has
22 expired or the person has obtained approval from the Director. Any
23 person violating the provisions of this subsection, upon conviction,
24 shall be punished by a fine of not more than Five Hundred Dollars

1 (\$500.00), or by imprisonment in a county jail for a term of not
2 more than ninety (90) days or by both the fine and imprisonment.
3 Upon conviction under this subsection, the previously granted
4 license revocation period shall be extended by two (2) additional
5 years.

6 SECTION 3. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

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