

# 2008 Legislative Session

## **New Laws passed by the Legislature and signed by the Governor 2008**

Senate Joint Resolution 38 by Sen. Glenn Coffee. A proposed vote of the people to adopt a constitutional amendment providing that all citizens of this state shall have a right to hunt, fish, trap and harvest game and fish, subject only to reasonable regulation as prescribed by the Legislature and the Wildlife Conservation Commission. The Wildlife Conservation Commission shall have the power and the authority to approve methods, practices and procedures for hunting, trapping, fishing and the taking of game and fish. Traditional methods, practices and procedures shall be allowed for taking game and fish that are not identified as threatened by law or by the Commission. Hunting, fishing, and trapping shall be the preferred means of managing game and fish that are not identified as threatened by law or by the Commission. Nothing in this section shall be construed to modify any provision of common law or statutes relating to trespass, eminent domain or any other property rights. Signed by the Governor. Resolution is directed to the Secretary of the State to prepare and send to a vote of the people.

Senate Concurrent Resolution 42 by Sen. Kenneth Corn of the Senate and Rep. Neil Brannon of the House. Recognizing the limited public consideration for the regulation of ATVs on Forest Service lands in the Ouachita National Forest and requesting that the U.S. Congress intervene to postpone the date on which the regulations are to take effect and a more thorough public input process be devised. Adopted by the Senate. Adopted by the House 101-0.

Senate Bill 1463 by Sen. James Williamson. Prohibits computer software or services that allow a person, not physically present, to remotely control a firearm or weapon to hunt any live animal or bird. Also prohibits persons from engaging in activities that sell or provide for computer - assisted remote control hunting of wildlife. Provides penalties and defines computer - assisted remote control hunting. Bill is effective immediately. Signed by the Governor.

Senate Bill 1734 by Sen. John Sparks. Makes it unlawful to enter or attempt to take species on licensed commercial hunting areas and facilities licensed under the Oklahoma Farmed Cervidae Act without permission. Bill is effective immediately. Signed by the Governor.

Senate Bill 1735 by Sen. John Sparks. Requires that persons convicted of trespassing shall be responsible for actual damages incurred and increases fines for second and subsequent offenses. Bill will be effective Nov. 1, 2008. Signed by the Governor.

Senate Bill 2111 by Sen. John Sparks. Requires that persons convicted of trespassing shall be responsible for actual damages incurred and increases fines for second and subsequent offenses. Bill will be effective Nov. 1, 2008. Signed by the Governor.

House Bill 2544 by Rep. Phil Richardson. Removes the restrictions on fees for land access fee permits and eliminates most exemptions to the permit. Allow Wildlife Conservation Commission to set the permit fee. Bill is effective immediately. Signed by the Governor.

House Bill 2667 by Rep. Randy McDaniel. Creates 5-year hunting, fishing and combination licenses. Sets the fee for these licenses at \$75 (fishing), \$75 (hunting) and \$135 (combination). Would require persons buying one of these licenses to also purchase a 5-year fishing and hunting legacy permit for \$12. The 5-year license shall not lose the privileges by change of residency. Bill will be effective Jan. 1, 2009. Signed by the Governor.

House Bill 2735 by Rep. Brian Renegar of the House and Sen. Richard Lerblance of the Senate. Allows youth 10 years of age and older to purchase apprentice designated hunting licenses as needed. Bill is effective immediately upon passage. Also increases the fee for a resident fur dealer's license to \$100 and sets the fee for nonresidents equivalent to that state's nonresident fee. If no equivalent fee exists in a state where a nonresident resides, the fee for an Oklahoma nonresident fur dealer's license shall be \$300. Signed by the Governor.

House Bill 3164 by Rep. Gus Blackwell. Would include pheasants as a huntable species with a five-day non-resident hunting license and raise the fee for a five-day non-resident hunting license to \$69. Bill will be effective Nov. 1, 2008. Signed by the Governor.

House Bill 3268 by Rep. Terry Harrison. Provides that the Department of Public Safety may enter into a written agreement with the Wildlife Department to allow the Wildlife Department to enforce laws outlined in the agreement on the turnpikes of the state. Signed by the Governor.

House Bill 3365 by Rep. Skye McNiel. Restricts possession of paddlefish eggs to the eggs of only one paddlefish if the egg membrane is still intact, or three pounds combined of processed paddlefish eggs or fresh eggs that have been removed from the membrane. Specifies that no person may transport any paddlefish eggs or paddlefish with viscera intact out of the state. Bill is effective immediately. Signed by the Governor.

House Bill 2226 by Rep. Glen Bud Smithson. Committee substitute allows residents 55 years of age or older to hunt with a crossbow. Bill would be effective immediately upon passage. Passed by the House 91-0. Bill amended and passed by the Senate 45-2. Amendment

changes the age to 60 years old for those allowed to use a crossbow. House concurs with Senate amendments 93-1. Signed by the Governor.

### **Dormant bills for the 2008 Legislative Session**

Senate Bill 1173 by Sen. Patrick Anderson. Provides that any person serving in a branch of the Armed Forces, who is on properly authorized leave of absence from military duty and has in possession proper written evidence showing such authorized leave, and is serving outside Oklahoma, may purchase an annual fishing or hunting license for a fee of \$5. Bill would be effective Nov. 1, 2008. Went dormant in the Senate Tourism and Wildlife Committee.

Senate Bill 1388 By Sen. Jay Paul Gumm. Reduces lifetime license cost by 10 percent for persons under 18 years of age. Bill would be effective Nov. 1, 2008. Went dormant in the Senate Tourism and Wildlife Committee. Not heard in committee.

Senate Bill 1474 by Sen. Jeff Rabon. Authorizing game wardens to assist in enforcing state fire laws without request from the Department of Agriculture, Food and Forestry. Bill would be effective Nov. 1, 2008. Went dormant in the Senate Judiciary Committee.

Senate Bill 1665 by Sen. Charles Wyrick. Shell bill relating to attempted game and fish violations. Bill would be effective Nov. 1, 2008. Went dormant in the Senate Rules Committee.

Senate Bill 1677 by Sen. Earl Garrison. Shell bill relating to attempted game and fish violations. Bill would be effective Nov. 1, 2008. Went dormant in the Senate Rules Committee.

Senate Bill 1678 by Sen. Earl Garrison. Shell bill relating to attempted game and fish violations. Bill would be effective Nov. 1, 2008. Went dormant in the Senate Rules Committee.

Senate Bill 1679 by Sen. John Sparks. Shell bill relating to attempted game and fish violations. Bill would be effective Nov. 1, 2008. Went dormant in the Senate Rules Committee.

Senate Bill 1680 by Sen. John Sparks. Shell bill relating to attempted game and fish violations. Bill would be effective Nov. 1, 2008. Went dormant in the Senate Rules Committee.

Senate Bill 1681 by Sen. Jonathon Nichols. Shell bill relating to attempted game and fish violations. Bill would be effective Nov. 1, 2008. Went dormant in the Senate Rules Committee.

Senate Bill 1682 by Sen. John Ford. Shell bill relating to attempted game and fish violations. Bill would be effective Nov. 1, 2008. Went dormant in the Senate Rules Committee.

Senate Bill 1702 by Sen. John Ford. Prohibits importation into the state, sale, purchase, trade, barter possession or breeding of lions, tigers, leopards, cheetahs, jaguars, cougars, or any hybrids of these species, wolves, bears and nonhuman primates except marmosets, tamarins, capuchins and squirrel monkeys. Defines wildlife sanctuaries and provides an exception for these facilities. Also provides exemptions for other persons, including hunters with legally harvested animal carcasses or parts thereof and those persons who had lawful possession of a prohibited animal prior to the effective date of the bill if the person provides written notification of possession of the animal to the local animal control authority within 45 days of the effective date of the bill. Bill would be effective Nov. 1, 2008. Went dormant in the Senate Appropriations subcommittee on Public Safety.

Senate Bill 1732 by Sen. John Sparks. Repeals residency requirements for commercial hunt area owners. Bill would be effective Nov. 1, 2008. Went dormant in Senate Tourism and Wildlife Committee.

Senate Bill 1733 by Sen. John Sparks. Increases the penalty for trespass and removes certain exemptions that allow persons to enter onto land of others without permission, and prohibits hunting or fishing without permission on land that is primarily devoted to farming, ranching or forestry without the requirement to post such land. Bill would be effective Nov. 1, 2008. Went dormant in the Senate Rules Committee.

Senate Bill 1920 by Sen. Mike Schulz. Increases the penalty for trespass and removes certain exemptions that allow persons to enter onto land of others without permission, and prohibits hunting or fishing without permission on land that is primarily devoted to farming, ranching or forestry without the requirement to post such land. Bill would be effective Nov. 1, 2008. Went dormant in the Senate Rules Committee.

Senate Bill 2058 by Sen. Jeff Rabon. Shell bill relating to attempted game and fish violations. Bill would be effective Nov. 1, 2008. Went dormant in the Senate Rules Committee.

Senate Bill 2084 by Sen. Jeff Rabon. Authorizing game wardens to assist in enforcing state fire laws without request from the Department of Agriculture, Food and Forestry. Bill would also authorize game wardens to enforce wildlife laws on turnpikes of the state. Bill would

be effective Nov. 1, 2008. Passed by the Senate 47-0. Title stricken and passed by the full House Natural Resources Committee. Bill went dormant awaiting action by the full House.

Senate Joint Resolution 39 Sen. Tom Ivester. A proposed vote of the people to adopt a constitutional amendment providing that all citizens of this state shall have an inherent right to engage in hunting, trapping, fishing and the taking of game and fish, free of state laws which explicitly or implicitly effectively prohibit the ability of citizens to engage in such activities. Hunting, trapping, fishing and the taking of game and fish are a valued part of our heritage and will forever be preserved for the people. The Wildlife Conservation Commission shall be vested with the power and authority to approve methods, practices and procedures for hunting, trapping, fishing and the taking of game and fish. Nothing in this section shall be construed to prohibit reasonable regulation of hunting, trapping, fishing and the taking of game and fish; or repeal or invalidate any laws or rules in existence on the effective date of its adoption. Went dormant in the Senate Tourism and Wildlife Committee.

House Bill 2524 by Rep. Larry Glenn. Allows non-resident college students 25 years of age or less who are enrolled as full-time students at a school within the Oklahoma State System of Higher Education to obtain annual hunting licenses for deer or turkey for \$20. Bill would be effective Nov. 1, 2008. Passed by the House 98-1. Bill goes dormant in the Senate Tourism and Wildlife Committee.

House Bill 2546 by Rep. Phil Richardson. Prohibits computer software or services that allow a person, not physically present, to remotely control a firearm or weapon to hunt any live animal or bird. Also prohibits persons from engaging in activities that sell or provide for computer - assisted remote control hunting of wildlife. Provides penalties and defines computer - assisted remote control hunting. Provides an exemption for persons with permanent disability incapable of using a firearm/crossbow or conventional bow. Bill would be effective immediately. Passed by the House 99-0. Bill goes dormant in the Senate Tourism and Wildlife Committee.

House Bill 2549 by Rep. Phil Richardson. Requires administrative fines to be paid by mail and states that these fines shall be enforceable in the district courts of the state. Bill would be effective immediately upon passage. Went dormant in House Committee on Natural Resources, Subcommittee on the Environment.

House Bill 2649 by Rep. Inman. Reduces annual fishing license fee to \$9.50 after June 30, and also creates a one-day resident fishing license with a fee of \$5. Bill would be effective Jan. 1, 2009. Went dormant in the House Committee on Natural Resources, Subcommittee on the Environment.

House Bill 2738 by Rep. David Braddock. Requires the Wildlife Conservation Commission notify the Oklahoma Strategic Military Planning Commission prior to making a management decision that would increase the number and types of birds and waterfowl flying onto or around property owned or operated by the Wildlife Department. Bill would be effective Nov. 1, 2008. Title struck. Committee substitute passed by the House Judiciary and Public Safety Committee. Passed by the House 97-0. Bill goes dormant in the Senate Rules Committee.

House Bill 2791 by Rep. Mike Jackson. Provides that entering a licensed farmed cervidae facility or commercial hunt area without permission is trespass, and provides fines for this trespass. Also provides fines for attempting to take wildlife on such areas. Bill would be effective immediately upon passage. Conference committee report adopted by the House 95-1 and adopted by the Senate 45-0. Report also adds language authorizing the Department of Wildlife to issue special permits to licensed commercial hunting areas for the purposes of managing depredating animals with the use of aircraft. Bill vetoed by the Governor.

House Bill 2803 by Rep. Mike Brown. Allows veterans with less than 60 percent disability to purchase a five-year disability fishing license for \$10. Bill would become effective Nov. 1, 2008. Went dormant in the House Committee on Natural Resources, Subcommittee on the Environment.

House Bill 2962 by Rep. Scott Inman. Shell bill relating to the Wildlife Department and Wildlife Conservation Commission. Bill would be effective Nov. 1, 2008. Went dormant in the House Rules Committee.

House Bill 3077 by Rep. Joe Dorman. Providing that the Wildlife Conservation Commission shall decide open seasons, bag limits and territorial limitations for hunting or taking black bear and the bill would also establishes bear hunting license requirements and costs. Bill would be effective immediately upon passage. Passed by the House Natural Resources Committee. Bill goes dormant.

House Bill 3083 by Rep. Joe Dorman. Requires owners of non-native bears or cats that will grow to 50 pounds or more to be licensed by the U.S. Department of Agriculture and requires their owners to keep the animals controlled and restrained. Bill would be effective immediately upon passage. Went dormant in the House Rules Committee.

House Bill 3247 by Rep. Lucky Lamons. Creates a tax credit equal to 50 percent of the fair market value for lands donated to a public or private conservation agency for the purposes of conservation or preservation. Bill would be effective Jan. 1, 2009. Went dormant in the House Rules Committee.

House Bill 3388 by Rep. Covey. Requires owners of non-native cats and bears that will grow to 50 pounds or more to be licensed by the U.S. Department of Agriculture and requires their owners to keep the animals controlled and restrained. Bill would be effective immediately upon passage.

House Joint Resolution 1074 by Rep. Scott Martin. Proposed Constitutional amendment that would allow the Governor to have the power to appoint and replace up to forty percent (40%) of gubernatorial appointments on any agency, board, or commission within the first twelve (12) months in office, including the Oklahoma Wildlife Conservation Commission. Passed by the House 70-28. Bill goes dormant in the Senate Rules Committee.

House Joint Resolution 1099 by Rep. Ken Miller. Proposed Constitutional amendment allowing each Governor, within forty-five (45) days of assuming office, to create a cabinet system for the executive branch of state government, and providing that the Governor or the Governor's cabinet secretary shall appoint certain agency heads, including the Director of the Oklahoma Department of Wildlife Conservation. Title stricken and passed by the House 91-10. Bill goes dormant in the Senate Rules Committee.

House Bill 2547 by Rep. Phil Richardson. Increases the fine for trespassing, removes certain exemptions that allow persons to enter onto land of others without permission, and prohibits hunting or fishing without permission on land that is primarily devoted to farming, ranching or forestry without the requirement to post such land. Specifies that the courts may include up to a one-year forfeiture of hunting and fishing license for trespass. Bill would be effective immediately upon passage. Passed by the House 78-13. Amended and passed the Senate 34-14; House votes 84-13 to concur with Senate amendments. Vetoed by Governor.

2/04/08 - Session Begins

2/21/08 - Senate Bills Reported from Senate Committees Deadline

3/06/08 - House Bills Reported from House Committees Deadline

3/13/08 - 3rd Reading in House of Origin

4/03/08 - House Bills from Senate Committees Deadline

4/17/08 - Senate Bills from House Committees Deadline

4/24/08 - 3rd Reading in Opposite House of Origin

5/30/08 - Sine Die Adjournment