ENGROSSED SENATE
BILL NO. 146

BY: TALIAFERRO of the SENATE

and

SMITH (Bill) of the HOUSE

AN ACT RELATING TO WILDLIFE; AMENDING 29 O.S. 1981, SECTION 5-401, AS AMENDED BY SECTION 1, CHAPTER 164, O.S.L. 1990 (29 O.S. SUPP. 1990, SECTION 5-401), WHICH RELATES TO COMMISSION POWERS REGARDING SEASON LIMITS; SPECIFYING DAYS OF THE WEEK FOR QUAIL HUNTING; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 29 O.S. 1981, Section 5-401, as amended by Section 1, Chapter 164, O.S.L. 1990 (29 O.S. Supp. 1990, Section 5-401), is amended to read as follows:

Section 5-401. A. The Commission is authorized to declare an open season on game mammals and birds in any counties or parts of counties of this state where, in the judgment of said Commission, such game exists in sufficient quantity to warrant such open season, and such open season shall be declared by Commission resolution not less than ten (10) days before the season is opened.

B. The Commission is further authorized to prescribe rules and regulations necessary to the proper conduct and policing of such

open season, the amount and kind of game that may be taken, and the dates and time limits of such season.

C. The quail season shall be from November ~~20~~ 1 to ~~February 15~~ January 31, both dates inclusive, of the succeeding year with hunting allowed ~~on each day of the week~~ every Monday, Thursday, Friday, Saturday and Sunday.

D. The Commission is further authorized to require any person participating in said open season or hunting in open areas during open season to procure therefrom, under rules and regulations prescribed by it, a special permit or license to participate in such season or hunt in such areas during open season and to charge residents not to exceed Ten Dollars ($10.00), nonresidents not to exceed Fifty Dollars ($50.00) and further providing that Five Dollars ($5.00) of this fee shall be set aside for compensation to Oklahoma surface holders participating in the Acres for Wildlife Program at a rate to be determined by the Wildlife Commission. No exemptions shall be permitted.

E. Open seasons, closed seasons, bag limits, catch limits, possession limits and territorial limitations set forth in the statutes of this state, pertaining to wildlife of every sort, are hereby declared to be based on the existence of a normal population of such species of wildlife, compatible with and not damaging to the proper agricultural use of the lands of the state.

F. Such seasons, catch limits, bag limits, possession limits and territorial limitations as set by statute shall prevail and be in full force and effect for each and every species of wildlife to which they pertain so long as the population or numbers of such wildlife species remain normal or are not damaging or endangering crops or proper agricultural use of the lands of the state.

G. The Commission in session (and after having given ten (10) days' public notice of such meeting being called and the purpose of such meeting, the species of wildlife to be considered and the

reasons therefor) shall have the right to determine if there does or does not exist a normal population of the wildlife species under consideration, which does or does not endanger the crops of the state or of any certain areas, or the agricultural use of the lands therein. In the event the consideration is other than statewide, the Commission shall meet at the most convenient place to the people of the area in the area being considered. All meetings shall be open to the public and proper records of those appearing and testifying shall be made. If the Commission, after hearing and after investigation, finds that the populations of the wildlife species under hearing are not normal or that they are not compatible to the agricultural use of the lands or are damaging or endangering the farm crops of the area, they shall, by administrative order, make the necessary changes by either extending, shortening, opening or closing such seasons, and change such bag limits, catch limits and possession limits, and regulate methods or devices for taking, killing or capturing of the wildlife species affected in any area or areas covered by the notice of meeting and hearing, except as otherwise set by the Legislature.

H. Such administrative order shall take effect after publication in at least one newspaper of general state circulation, or in a newspaper having circulation in the territory affected. A copy of all such orders shall, before publication, be filed with the Secretary of State, and such order shall not be construed as authorizing the Commission to change any penalty for violating any game law or regulation or change the amount of any license established by the Legislature.

SECTION 2. This act shall become effective September 1, 1991.

Passed the Senate the 26th day of February, 1991.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1991.

Speaker of the House of Representatives