

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 529

BY: HOOPER

AS INTRODUCED

AN ACT RELATING TO GAME AND FISH; AMENDING 29 O.S. 1981, SECTIONS 4-108, AS AMENDED BY SECTION 4, CHAPTER 91, O.S.L. 1985, 5-206, AS AMENDED BY SECTION 1, CHAPTER 76, O.S.L. 1986, 5-401, AS AMENDED BY SECTION 1, CHAPTER 164, O.S.L. 1990 (29 O.S. SUPP. 1990, SECTIONS 4-108, 5-206 AND 5-401), WHICH RELATE TO FALCONRY SEASONS AND BAG LIMITS; EXTENDING TERM OF FALCONER LICENSE VALIDITY; DELETING HAWKS AND FALCONS FROM CERTAIN TRANSPORTATION PROVISIONS; ESTABLISHING QUAIL SEASON FOR FALCONERS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 29 O.S. 1981, Section 4-108, as amended by Section 4, Chapter 91, O.S.L. 1985 (29 O.S. Supp. 1990, Section 4-108), is amended to read as follows:

Section 4-108. A. No person may use hawks, owls or eagles to hunt, chase or take game without having first procured a license for such from the Director.

B. All falconers shall have the falconer's license and an annual Oklahoma hunting license unless legally exempt.

C. The ~~annual~~ fee for a Falconer's license under this section shall be Fifteen Dollars (\$15.00) and said license shall be valid for a period of three (3) years from date of issuance.

D. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00).

SECTION 2. AMENDATORY 29 O.S. 1981, Section 5-206, as amended by Section 1, Chapter 76, O.S.L. 1986 (29 O.S. Supp. 1990, Section 5-206), is amended to read as follows:

Section 5-206. A. Falconry is a legal method for hunting and taking resident Oklahoma game, pursuant to the following provisions of this section.

B. Any exotic species of hawk, falcon, owl or eagle and any native species of hawk, falcon, owl or eagle as provided in Section 5-410 of this Code, may be used for such sport. Hawks, falcons, owls and eagles, except those which are bred in captivity, in accordance with federal regulations may not be sold, traded or bartered, and may be possessed, trained and used only by persons licensed under Section 4-108 of this Code.

C. ~~Hawks, falcons, owls~~ Owls and eagles may be transported into and out of the state, only as provided by Sections 7-602 and 7-801 of this Code.

D. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00).

SECTION 3. 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 to February 15, both dates inclusive, of the succeeding year with hunting allowed on each day of the week for quail taken by any means other than falconry. Quail may be taken by falconry from October 1 to March 1, of the succeeding year, both dates inclusive with hunting allowed on each day of the week.

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 4. This act shall become effective September 1, 1991.

43-1-241

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