

EHB 1382

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THE STATE SENATE
Tuesday, April 3, 2001

ENGROSSED
House Bill No. 1382
As Amended

ENGROSSED HOUSE BILL NO. 1382 - By: MATLOCK, GLOVER and MADDUX of the House and RABON of the Senate.

[game and fish - amending 29 O.S., Section 5-401 - Wildlife Commission - quail hunting season - effective date]

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

SECTION 1. AMENDATORY 29 O.S. 1991, Section 5-401, as last amended by Section 1, Chapter 178, O.S.L. 1998 (29 O.S. Supp. 2000, Section 5-401), is amended to read as follows:

Section 5-401. A. The Commission is authorized to declare an open season on wildlife in any counties or parts of counties of this state where, in the judgment of said Commission, such wildlife 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 may designate any two (2) consecutive days after the open season declared for hunting deer to be senior citizen's hunting days. During those two (2) days only legal residents of Oklahoma who are sixty-four (64) years of age or older

1 may hunt deer provided the person has a valid license as otherwise
2 provided by law.

3 C. For all areas east of the Indian Nation Turnpike and south
4 of Interstate 40, the quail season shall be from December 1 to
5 **February 1, both dates inclusive.**

6 D. The Commission is further authorized to prescribe rules
7 necessary to the proper conduct and policing of such open season,
8 the amount and kind of wildlife that may be taken, and the dates and
9 time limits of such season.

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

21 ~~E.~~ F. Open seasons, closed seasons, bag limits, catch limits,
22 possession limits and territorial limitations set forth in the
23 statutes of this state, pertaining to wildlife of every sort, are

1 hereby declared to be based on the existence of a normal population
2 of such species of wildlife, compatible with and not damaging to the
3 proper agricultural use of the lands of the state.

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

10 ~~G.~~ H. The Commission in session (and after having given ten
11 (10) days' public notice of such meeting being called and the
12 purpose of such meeting, the species of wildlife to be considered
13 and the reasons therefor) shall have the right to determine if there
14 does or does not exist a normal population of the wildlife species
15 under consideration, which does or does not endanger the crops of
16 the state or of any certain areas, or the agricultural use of the
17 lands therein. In the event the consideration is other than
18 statewide, the Commission shall meet at the most convenient place to
19 the people of the area in the area being considered. All meetings
20 shall be open to the public and proper records of those appearing
21 and testifying shall be made. If the Commission, after hearing and
22 after investigation, finds that the populations of the wildlife
23 species under hearing are not normal or that they are not compatible

1 to the agricultural use of the lands or are damaging or endangering
2 the farm crops of the area, they shall, by administrative order,
3 make the necessary changes by either extending, shortening, opening
4 or closing such seasons, and change such bag limits, catch limits
5 and possession limits, and regulate methods or devices for taking,
6 killing or capturing of the wildlife species affected in any area or
7 areas covered by the notice of meeting and hearing, except as
8 otherwise set by the Legislature.

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

17 SECTION 2. This act shall become effective November 1, 2001.

18 COMMITTEE REPORT BY: COMMITTEE ON WILDLIFE, dated 3-27-01 - DO PASS,
19 As Amended.