

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 3260

6 By: Blackwell

7 COMMITTEE SUBSTITUTE

8 An Act relating to game and fish; amending 29 O.S.
9 2001, Section 5-401, as last amended by Section 1,
10 Chapter 131, O.S.L. 2006 (29 O.S. Supp. 2009, Section
11 5-401), which relates to the authority of the
12 Wildlife Conservation Commission to declare open
13 seasons and adopt rules; directing the Commission to
14 declare an open season on certain wildlife species;
15 clarifying statutory language; and declaring an
16 emergency.

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

18 SECTION 1. AMENDATORY 29 O.S. 2001, Section 5-401, as
19 last amended by Section 1, Chapter 131, O.S.L. 2006 (29 O.S. Supp.
20 2009, Section 5-401), is amended to read as follows:

21 Section 5-401. A. The Wildlife Conservation Commission is
22 authorized to declare an open season on wildlife in any counties or
23 parts of counties of this state where, in the judgment of the
24 Commission, such wildlife exists in sufficient quantity to warrant
such an open season, and ~~such~~ the open season shall be declared by

1 Commission resolution not less than ten (10) days before the season
2 is opened.

3 B. The Commission may designate any two (2) consecutive days
4 after the open season declared for hunting deer to be senior
5 citizen's hunting days. During those two (2) days only legal
6 residents of Oklahoma who are sixty-four (64) years of age or older
7 may hunt deer provided the person has a valid license as otherwise
8 provided by law.

9 C. The Commission shall declare an open season in any counties
10 or parts of counties in the state for a species of wildlife if a
11 state contiguous with Oklahoma has declared and established an open
12 season on that species of wildlife.

13 D. The Commission is further authorized to declare an open
14 season on mountain lions and black bears.

15 E. The Commission is further authorized to prescribe rules
16 necessary to the proper conduct and policing of ~~such~~ an open season,
17 the amount and kind of wildlife that may be taken, and the dates and
18 time limits of ~~such~~ the open season.

19 ~~E.~~ F. The Commission is further authorized to require any
20 person participating in ~~such~~ an open season or hunting in open areas
21 during open season to procure, under rules prescribed by the
22 Commission, a special permit or license to participate in ~~such~~ the
23 open season or hunt in such areas during open season and to charge
24 residents not to exceed Twenty Dollars (\$20.00), nonresidents not to

1 exceed Seventy-five Dollars (\$75.00) ~~and further providing that~~
2 Five Dollars (\$5.00) of this fee shall be set aside for compensation
3 to Oklahoma surface holders participating in the Acres for Wildlife
4 Program at a rate to be determined by the Wildlife Conservation
5 Commission. No exemptions shall be permitted.

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

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

19 ~~H.~~ I. The Commission ~~in session, and after having given ten~~
20 ~~(10) days' public notice of such meeting being called and the~~
21 ~~purpose of such meeting, the species of wildlife to be considered~~
22 ~~and the reasons therefor,~~ shall have the right to determine if there
23 does or does not exist a normal population of the wildlife species
24 under consideration, which does or does not endanger the crops of

1 the state or of any certain areas, or the agricultural use of the
2 lands therein. Consideration by the Commission shall be in an open
3 meeting after having given not less than ten (10) days public notice
4 of the meeting. The public notice shall include the purpose of the
5 meeting, the species of wildlife to be considered and the reasons
6 for the meeting. In the event the consideration is other than
7 statewide, the Commission shall meet at the most convenient place to
8 the people of the area in the area being considered. All meetings
9 shall be open to the public and proper records of those appearing
10 and testifying shall be made. If the Commission, after hearing and
11 after investigation, finds that the populations of the wildlife
12 species under hearing are not normal or that they are not compatible
13 to the agricultural use of the lands or are damaging or endangering
14 the farm crops of the area, ~~they shall,~~ by administrative order,
15 make the necessary changes by either extending, shortening, opening
16 or closing ~~such~~ the seasons, ~~and change such~~ changing the bag
17 limits, catch limits and possession limits, and ~~regulate~~ regulating
18 the methods or devices for taking, killing or capturing of the
19 wildlife species affected in any area or areas covered by the notice
20 of meeting and hearing, except as otherwise set by the Legislature.

21 ~~I.~~ J. Such Any administrative order issued pursuant to
22 subsection I of this section shall take effect after publication in
23 at least one newspaper of general state circulation, or in a
24 newspaper having circulation in the territory affected. A copy of

1 all ~~such~~ orders shall, before publication, be filed with the
2 Secretary of State, and ~~such~~ an order shall not be construed as
3 authorizing the Commission to change any penalty for violating any
4 game law or regulation or change the amount of any license
5 established by the Legislature.

6 SECTION 2. 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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