

1 ENGROSSED HOUSE
2 BILL NO. 3260

By: Blackwell of the House
and
Marlatt of the Senate

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7 (game and fish - amending 29 O.S., Section 5-401 -
8 Wildlife Conservation Commission - open seasons -
9 statutory language)
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 29 O.S. 2001, Section 5-401, as
14 last amended by Section 1, Chapter 131, O.S.L. 2006 (29 O.S. Supp.
15 2009, Section 5-401), is amended to read as follows:

16 Section 5-401. A. The Wildlife Conservation Commission is
17 authorized to declare an open season on wildlife in any counties or
18 parts of counties of this state where, in the judgment of the
19 Commission, such wildlife exists in sufficient quantity to warrant
20 ~~such~~ an open season, and ~~such~~ the open season shall be declared by
21 Commission resolution not less than ten (10) days before the season
22 is opened.

23 B. The Commission may designate any two (2) consecutive days
24 after the open season declared for hunting deer to be senior

1 citizen's hunting days. During those two (2) days only legal
2 residents of Oklahoma who are sixty-four (64) years of age or older
3 may hunt deer provided the person has a valid license as otherwise
4 provided by law.

5 C. The Commission shall declare an open season in any counties
6 or parts of counties in the state for a species of wildlife if a
7 state contiguous with Oklahoma has declared and established an open
8 season on that species of wildlife.

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

11 ~~D.~~ E. The Commission is further authorized to prescribe rules
12 necessary to the proper conduct and policing of ~~such~~ an open season,
13 the amount and kind of wildlife that may be taken, and the dates and
14 time limits of ~~such~~ the open season.

15 ~~E.~~ F. The Commission is further authorized to require any
16 person participating in ~~such~~ an open season or hunting in open areas
17 during open season to procure, under rules prescribed by the
18 Commission, a special permit or license to participate in ~~such~~ the
19 open season or hunt in such areas during open season and to charge
20 residents not to exceed Twenty Dollars (\$20.00), nonresidents not to
21 exceed Seventy-five Dollars (\$75.00) ~~and further providing that.~~
22 Five Dollars (\$5.00) of this fee shall be set aside for compensation
23 to Oklahoma surface holders participating in the Acres for Wildlife
24

1 Program at a rate to be determined by the Wildlife Conservation
2 Commission. No exemptions shall be permitted.

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

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

16 ~~H.~~ I. The Commission ~~in session, and after having given ten~~
17 ~~(10) days' public notice of such meeting being called and the~~
18 ~~purpose of such meeting, the species of wildlife to be considered~~
19 ~~and the reasons therefor,~~ shall have the right to determine if there
20 does or does not exist a normal population of the wildlife species
21 under consideration, which does or does not endanger the crops of
22 the state or of any certain areas, or the agricultural use of the
23 lands therein. Consideration by the Commission shall be in an open
24 meeting after having given not less than ten (10) days public notice

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

18 ~~I.~~ J. Such Any administrative order issued pursuant to
19 subsection I of this section shall take effect after publication in
20 at least one newspaper of general state circulation, or in a
21 newspaper having circulation in the territory affected. A copy of
22 all ~~such~~ orders shall, before publication, be filed with the
23 Secretary of State, and ~~such~~ an order shall not be construed as
24 authorizing the Commission to change any penalty for violating any

1 game law or regulation or change the amount of any license
2 established by the Legislature.

3 Passed the House of Representatives the 9th day of March, 2010.

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6 Presiding Officer of the House of
7 Representatives

8 Passed the Senate the ____ day of _____, 2010.

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Presiding Officer of the Senate

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