

THE HOUSE OF REPRESENTATIVES
Thursday, February 25, 2010

Committee Substitute for
House Bill No. 3260

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3260 - By: BLACKWELL of the House.

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

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

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

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

9 B. The Commission may designate any two (2) consecutive days after the open
10 season declared for hunting deer to be senior citizen's hunting days. During those two (2)

1 days only legal residents of Oklahoma who are sixty-four (64) years of age or older may
2 hunt deer provided the person has a valid license as otherwise provided by law.

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

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

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

11 E. F. The Commission is further authorized to require any person participating in
12 ~~such an~~ open season or hunting in open areas during open season to procure, under rules
13 prescribed by the Commission, a special permit or license to participate in ~~such the open~~
14 season or hunt in such areas during open season and to charge residents not to exceed
15 Twenty Dollars (\$20.00), nonresidents not to exceed Seventy-five Dollars (\$75.00) ~~and~~
16 ~~further providing that~~, Five Dollars (\$5.00) of this fee shall be set aside for compensation
17 to Oklahoma surface holders participating in the Acres for Wildlife Program at a rate to
18 be determined by the Wildlife Conservation Commission. No exemptions shall be
19 permitted.

20 F. G. Open seasons, closed seasons, bag limits, catch limits, possession limits and
21 territorial limitations set forth in the statutes of this state, pertaining to wildlife of every
22 sort, are hereby declared to be based on the existence of a normal population of ~~such the~~

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 species of wildlife, compatible with and not damaging to the proper agricultural use of
2 the lands of the state.

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

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

1 make the necessary changes by either extending, shortening, opening or closing ~~such~~ the
2 seasons, ~~and change such~~ changing the bag limits, catch limits and possession limits, and
3 ~~regulate~~ regulating the methods or devices for taking, killing or capturing of the wildlife
4 species affected in any area or areas covered by the notice of meeting and hearing, except
5 as otherwise set by the Legislature.

6 I. J. ~~Such~~ Any administrative order issued pursuant to subsection I of this section
7 shall take effect after publication in at least one newspaper of general state circulation,
8 or in a newspaper having circulation in the territory affected. A copy of all ~~such~~ orders
9 shall, before publication, be filed with the Secretary of State, and ~~such~~ an order shall not
10 be construed as authorizing the Commission to change any penalty for violating any
11 game law or regulation or change the amount of any license established by the
12 Legislature.

13 SECTION 2. It being immediately necessary for the preservation of the public
14 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
15 this act shall take effect and be in full force from and after its passage and approval.

16 COMMITTEE REPORT BY: COMMITTEE ON WILDLIFE, dated 02-24-10 - DO PASS,
17 As Amended.