

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3260

By: Blackwell

4  
5 AS INTRODUCED

6 An Act relating to game and fish; amending 29 O.S.  
7 2001, Section 5-401, as last amended by Section 1,  
8 Chapter 131, O.S.L. 2006 (29 O.S. Supp. 2009, Section  
9 5-401), which relates to the authority of the  
10 Wildlife Conservation Commission to declare open  
11 seasons and adopt rules; directing the Commission to  
12 declare an open season on certain wildlife species;  
13 setting open seasons for deer hunting; clarifying  
14 statutory language; providing for codification; and  
15 declaring an emergency.

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

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

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

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

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

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

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

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

1 to Oklahoma surface holders participating in the Acres for Wildlife  
2 Program at a rate to be determined by the Wildlife Conservation  
3 Commission. No exemptions shall be permitted.

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

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

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

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

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

1 authorizing the Commission to change any penalty for violating any  
2 game law or regulation or change the amount of any license  
3 established by the Legislature.

4 SECTION 2. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 5-415 of Title 29, unless there  
6 is created a duplication in numbering, reads as follows:

7 Except as otherwise provided, the open seasons for hunting deer  
8 shall be as follows:

9 1. Archery open season shall begin on October 1 and run through  
10 January 15 of each year;

11 2. Primitive firearms open season shall begin on the fourth  
12 Saturday in October of each year and run for nine (9) days; and

13 3. Gun open season shall begin on the Saturday before  
14 Thanksgiving of each year and run for sixteen (16) days.

15 SECTION 3. It being immediately necessary for the preservation  
16 of the public peace, health and safety, an emergency is hereby  
17 declared to exist, by reason whereof this act shall take effect and  
18 be in full force from and after its passage and approval.

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