

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

HOUSE BILL 2353

By: Dempsey

AS INTRODUCED

An Act relating to game and fish; amending 29 O.S. 2021, Section 5-401, which relates to seasons and rules; amending the Wildlife Conservation Commission's authority; determining a certain earliest start date; and declaring an emergency.

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

SECTION 1. AMENDATORY 29 O.S. 2021, Section 5-401, is amended to read as follows:

Section 5-401. A. The Wildlife Conservation 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 the 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

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

4 C. The Commission is further authorized to declare an open  
5 season on mountain lions and black bears; provided such season for  
6 bear shall include a muzzle loader period, and an archery period  
7 starting no earlier than September 1 of each year.

8 D. Except as provided in subsection E of this section, the  
9 Commission is further authorized to prescribe rules necessary to the  
10 proper conduct and policing of such open season, the amount and kind  
11 of wildlife that may be taken, and the dates and time limits of such  
12 season.

13 E. Any bowfishing season set for nongame fish by the Commission  
14 for the Upper Illinois River shall include the following:

15 1. Upstream from the Horseshoe Bend boat ramp to where State  
16 Highway 51 crosses the Illinois River bowfishing is permitted from  
17 June 1 to March 31; and

18 2. Upstream from where State Highway 51 crosses the Illinois  
19 River bowfishing is permitted from December 1 through March 31.

20 F. The Commission is further authorized to require any person  
21 participating in such open season or hunting in open areas during  
22 open season to procure, under rules prescribed by the Commission, a  
23 special permit or license to participate in such season or hunt in  
24 such areas during open season and to charge residents not to exceed

1 Twenty Dollars (\$20.00), nonresidents not to exceed Seventy-five  
2 Dollars (\$75.00) and further providing that Five Dollars (\$5.00) of  
3 this fee shall be set aside for compensation to Oklahoma surface  
4 holders participating in the Acres for Wildlife Program at a rate to  
5 be determined by the Wildlife Conservation Commission. No  
6 exemptions shall be permitted.

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

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

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

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

17 J. Such administrative order shall take effect after  
18 publication in at least one newspaper of general state circulation,  
19 or in a newspaper having circulation in the territory affected. A  
20 copy of all such orders shall, before publication, be filed with the  
21 Secretary of State, and such order shall not be construed as  
22 authorizing the Commission to change any penalty for violating any  
23 game law or regulation or change the amount of any license  
24 established by the Legislature.

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

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