

1 **SENATE FLOOR VERSION**

February 8, 2021

2 **AS AMENDED**

3 SENATE BILL NO. 769

By: Murdock

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7 An Act relating to the Wildlife Conservation
8 Commission; amending 29 O.S. 2011, Section 5-401, as
9 amended by Section 1, Chapter 169, O.S.L. 2013 (29
10 O.S. Supp. 2020, Section 5-401), which relates to
11 wildlife seasons; providing mountain lion season by
12 lottery; and providing an effective date.

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

14 SECTION 1. AMENDATORY 29 O.S. 2011, Section 5-401, as
15 amended by Section 1, Chapter 169, O.S.L. 2013 (29 O.S. Supp. 2020,
16 Section 5-401), is amended to read as follows:

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

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

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

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

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

21 F. The Commission is further authorized to require any person
22 participating in such open season or hunting in open areas during
23 open season to procure, under rules prescribed by the Commission, a
24 special permit or license to participate in such season or hunt in

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

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

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

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

1 consideration, which does or does not endanger the crops of the
2 state or of any certain areas, or the agricultural use of the lands
3 therein. In the event the consideration is other than statewide,
4 the Commission shall meet at the most convenient place to the people
5 of the area in the area being considered. All meetings shall be
6 open to the public and proper records of those appearing and
7 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 seasons, and change such bag limits, catch limits
14 and possession limits, and regulate methods or devices for taking,
15 killing or capturing of the wildlife species affected in any area or
16 areas covered by the notice of meeting and hearing, except as
17 otherwise set by the Legislature.

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

3 SECTION 2. This act shall become effective November 1, 2021.

4 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE
5 February 8, 2021 - DO PASS AS AMENDED
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