

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 59th Legislature (2023)

4   HOUSE BILL 2353

                                  By: Dempsey and **Wallace**

7                                   AS INTRODUCED

8                   An Act relating to game and fish; amending 29 O.S.  
9                   2021, Section 5-401, which relates to seasons and  
10                  rules; amending the Wildlife Conservation  
                        Commission's authority; determining a certain  
                        earliest start date; and declaring an emergency.

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

14           SECTION 1.           AMENDATORY           29 O.S. 2021, Section 5-401, is  
15   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 open season, and such 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 is further authorized to declare an open  
6 season on mountain lions and black bears; provided such season for  
7 bear shall include a muzzle loader period, and an archery period  
8 starting no earlier than September 1 of each year.

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

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8 COMMITTEE REPORT BY: COMMITTEE ON WILDLIFE, dated 02/23/2023 - DO  
9 PASS, As Coauthored.

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