

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2791

By: Jackson, Adkins, Derby,
Dorman, Faught, Hilliard,
Hyman, Johnson (Rob),
Joyner, McDaniel (Randy),
Peterson (Ron), Proctor,
Renegar, Schwartz, Sherrer,
Smithson and Thompson of
the House

9 and

10 Schulz of the Senate

11
12 CONFERENCE COMMITTEE SUBSTITUTE

13 An Act relating to game and fish; authorizing the
14 Department of Wildlife Conservation to issue a
15 management-by-use-of-aircraft permit to certain
16 persons; limiting management to certain animals and
17 certain area; exempting permit from certain
18 limitations; requiring permit to be carried on the
19 aircraft; requiring pilot to maintain certain logs
20 and reports; requiring compliance with certain
21 regulations; providing for submission of
22 applications; making issuance of permit contingent
23 upon certain findings; listing certain information to
24 be included on the permit; making permit valid for
certain time period; establishing fee; requiring
certain notification to the Department of
Agriculture, Food, and Forestry; requiring permit
holders to file certain quarterly reports; listing
contents of the report; making certain actions
unlawful; establishing a penalty; requiring
revocation of the permit for certain violations;
defining terms; amending 29 O.S. 2001, Section 5-
203.1, which relates to headlighting and other
prohibited hunting activities; clarifying statutory

1 language; making an exception for certain persons;
2 amending Section 2 of Enrolled Senate Bill No. 1734
3 of the 2nd Session of the 51st Oklahoma Legislature,
4 which relates to trespassing and unauthorized hunting
5 on commercial hunting areas; modifying application
6 and penalty; providing for codification; providing an
7 effective date; and declaring an emergency.

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

9 SECTION 1. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 4-107.2 of Title 29, unless
11 there is created a duplication in numbering, reads as follows:

12 A. The Department of Wildlife Conservation is authorized to
13 issue a permit to a person who holds a big game commercial hunting
14 area license issued pursuant to Section 4-106 of Title 29 of the
15 Oklahoma Statutes to engage in the management of depredating animals
16 by use of aircraft only on land listed in the commercial hunting
17 area license. The permit may be issued without limitation by
18 statewide season regulations, bag limits, or methods of taking. The
19 permit shall be carried in the aircraft when performing management
20 by the use of aircraft.

21 B. A pilot of an aircraft used for the management of
22 depredating animals shall maintain a daily flight log and report.
23 The daily flight log shall be current and available for inspection
24 by employees of the Department at reasonable times. Each permit

1 holder and pilot shall comply with all Federal Aviation Regulations
2 for the specific type of aircraft.

3 C. Applications for a permit shall be submitted to the
4 Department and shall contain all information as required by the
5 Department. The Department may issue a permit if it finds that it
6 will aid in the management of depredating animals and will not have
7 a deleterious effect on indigenous species. The permit shall
8 include, but is not limited to, the following information:

9 1. The name and address of each authorized person;

10 2. A description of the animals and number of animals
11 authorized to be taken;

12 3. A description of the area from which the animals are
13 authorized to be taken; and

14 4. The issue and expiration date of the permit.

15 D. A permit to manage depredating animals issued pursuant to
16 this section shall be valid for a period of one (1) year from the
17 date of issuance. Permits may be renewed by filing an application
18 for renewal with the Department.

19 E. The annual fee for a permit to manage depredating animals
20 issued pursuant to this section shall be One Hundred Dollars
21 (\$100.00).

22 F. Not less than twenty-four (24) hours prior to managing
23 depredating animals by use of an aircraft, a permit holder shall
24 notify the Department of Agriculture, Food, and Forestry of the

1 date, time, and area on which management will occur. Notification
2 may be made by telephone, fax, or electronic means, as determined by
3 the Department of Agriculture, Food, and Forestry.

4 G. The holder of a permit to manage depredated animals issued
5 pursuant to this section shall file with the Department within
6 thirty (30) days following the end of each calendar quarter or on
7 termination of the permit, whichever occurs first, a report on a
8 form prescribed by the Department showing:

9 1. The name, address, and permit number of the permit holder;

10 2. The name and address of the pilot and any other person
11 participating in the flights;

12 3. The number and description of the depredated animals
13 managed under the permit;

14 4. The types of depredated animals authorized to be managed
15 under the permit;

16 5. Dates and times of authorized flights; and

17 6. Any other information required by the Department.

18 H. It shall be unlawful for a person issued a permit to manage
19 depredated animals pursuant to this section to:

20 1. Hunt, shoot, shoot at, kill, or attempt to kill from an
21 aircraft any wildlife other than the depredated animals authorized
22 by the permit;

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1 2. Intentionally disturb, haze, or buzz any wildlife by the use
2 of an aircraft other than the depredating animals authorized by the
3 permit; or

4 3. Take or attempt to take any depredating animal for any
5 purpose other than is necessary for the protection of land, water,
6 wildlife, livestock, domesticated animals, human life, or crops.

7 I. Any person convicted of violating the provisions of this
8 section shall be punished by a fine of not less than Five Hundred
9 Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars
10 (\$1,500.00), or by imprisonment in the county jail not to exceed
11 sixty (60) days, or by both such fine and imprisonment. Any person
12 convicted of violating the provisions of this section shall have the
13 permit issued pursuant to this section revoked. No new permit shall
14 be issued for a period of six (6) months from and after the date on
15 which the revocation order becomes effective.

16 J. As used in this section:

17 1. "Depredating animal" means feral hogs, bobcats, red fox,
18 coyotes, and crossbreeds between coyotes and dogs; and

19 2. "Management by the use of aircraft" means to manage
20 depredating animals by counting, photographing, relocating,
21 capturing, or hunting by the use of aircraft.

22 SECTION 2. AMENDATORY 29 O.S. 2001, Section 5-203.1, is
23 amended to read as follows:

1 Section 5-203.1 A. No person may attempt to take, take,
2 attempt to catch, catch, attempt to capture, capture, attempt to
3 kill, or kill any deer, feral animal or other wildlife except fish
4 and frogs by the use of a vehicle mounted spotlight or other
5 powerful light at night, by what is commonly known as
6 "headlighting". Provided, however, nothing in this section shall
7 prevent one from possessing a .22 caliber rimfire rifle or .22
8 pistol and a light carried on his person while in pursuit of
9 furbearers with hounds during the legal, open furbearers season,
10 while possessing a valid hunting license.

11 B. Any person may use a shotgun, using No. 6 size shot or
12 smaller, longbow, light and a call for the purpose of hunting
13 predatory animals, provided that written permission is obtained from
14 the local game warden for each twenty-four-hour period of hunting.

15 C. It shall be illegal to hunt from a boat with a firearm from
16 sunset until one-half (1/2) hour before sunrise. This shall not
17 pertain to hunting of waterfowl enroute from bank to blind with
18 unloaded shotguns.

19 D. ~~No~~ Except as otherwise provided for in this section, no
20 person may harass, attempt to capture, capture, attempt to take or
21 take, kill or attempt to kill any wildlife with the aid of any
22 motor-driven land, air or water conveyance, ~~except a.~~ A
23 nonambulatory person may hunt from said conveyances with written
24 permission of the Director. ~~Provided, however, nothing in this Code~~

1 A person may hunt from an air conveyance if issued a permit pursuant
2 to Section 1 of this act. Nothing in this section shall prevent the
3 use of motor-driven land or water conveyances for following dogs in
4 the act of hunting, when use ~~of said conveyances~~ is restricted to
5 public roads or waterways. ~~Said~~ Motor-driven land or water
6 conveyances may be used on private property for following dogs in
7 the act of hunting with the ~~landowner's or occupant's~~ permission of
8 the landowner or occupant.

9 E. Employees of the State Department of Agriculture Wildlife
10 Services Division and the United States Department of Agriculture
11 Wildlife Services while engaged in wildlife management activities
12 for the protection of agriculture, property, human health and safety
13 and natural resources shall be exempt from the provisions of this
14 section.

15 F. Any person convicted of violating the provisions of this
16 section shall be guilty of a misdemeanor and shall be punished by a
17 fine of not less than Two Hundred Fifty Dollars (\$250.00) for a
18 first offense and not less than Five Hundred Dollars (\$500.00) for a
19 second offense or by imprisonment in the county jail for not less
20 than ten (10) days nor more than one (1) year, or by confiscation
21 pursuant to Section 5-402 of this title or by such fine,
22 imprisonment and confiscation.

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1 SECTION 3. AMENDATORY Section 2 of Enrolled Senate Bill
2 No. 1734 of the 2nd Session of the 51st Oklahoma Legislature, is
3 amended to read as follows:

4 Section 2. A. Any person who willfully enters a facility
5 licensed pursuant to the Oklahoma Farmed Cervidae Act or a
6 commercial hunting area licensed pursuant to Section 4-106 of Title
7 29 of the Oklahoma Statutes without permission by the owner shall be
8 deemed guilty of trespass and, upon conviction thereof, shall be
9 fined in any sum not to exceed Two Hundred Fifty Dollars (\$250.00).

10 B. Any person who willfully enters a facility licensed pursuant
11 to the Oklahoma Farmed Cervidae Act or a ~~big game~~ commercial hunting
12 area licensed pursuant to Section 4-106 of Title 29 of the Oklahoma
13 Statutes and hunts, takes or attempts to take a cervidae or wildlife
14 without permission by the owner shall:

15 1. For the first offense, be deemed guilty of a misdemeanor
16 and, upon conviction thereof, shall be punished by a fine of not
17 less than One Thousand Five Hundred Dollars (\$1,500.00) nor more
18 than Five Thousand Dollars (\$5,000.00) or by imprisonment in the
19 county jail not to exceed sixty (60) days, or by both such fine and
20 imprisonment, and in addition, the court shall order restitution for
21 actual damages incurred; and

22 2. For the second and any subsequent offense, be deemed guilty
23 of a felony and, upon conviction thereof, shall be punished by a
24 fine of not less than One Thousand Five Hundred Dollars (\$1,500.00)

1 nor more than Five Thousand Dollars (\$5,000.00) or by imprisonment
2 in the custody of the Department of Corrections for a period of not
3 more than one (1) year, or by both such fine and imprisonment, and
4 in addition, the court shall order restitution for actual damages
5 incurred.

6 SECTION 4. This act shall become effective July 1, 2008.

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

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