

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 278

By: Schulz

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5
6 AS INTRODUCED

7 An Act relating to game and fish; authorizing the
8 Department of Wildlife Conservation to issue a
9 management-by-use-of-aircraft permit to certain
10 persons; limiting management to certain animals and
11 certain area; exempting permit from certain
12 limitations; requiring permit to be carried on the
13 aircraft; requiring pilot to maintain certain logs
14 and reports; requiring compliance with certain
15 regulations; providing for submission of
16 applications; making issuance of permit contingent
17 upon certain findings; listing certain information to
18 be included on the permit; making permit valid for
19 certain time period; establishing fee; requiring
20 certain notification to the Department of
21 Agriculture, Food, and Forestry; requiring permit
22 holders to file certain quarterly reports; listing
23 contents of the report; making certain actions
24 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
language; making an exception for certain persons;
providing for codification; and providing an
effective date.

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

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

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

13 B. A pilot of an aircraft used for the management of
14 depredating animals shall maintain a daily flight log and report.
15 The daily flight log shall be current and available for inspection
16 by employees of the Department at reasonable times. Each permit
17 holder and pilot shall comply with all Federal Aviation Regulations
18 for the specific type of aircraft.

19 C. Applications for a permit shall be submitted to the
20 Department and shall contain all information as required by the
21 Department. The Department may issue a permit if it finds that it
22 will aid in the management of depredating animals and will not have
23 a deleterious effect on indigenous species. The permit shall
24 include, but is not limited to, the following information:

- 1 1. The name and address of each authorized person;
- 2 2. A description of the animals and number of animals
- 3 authorized to be taken;
- 4 3. A description of the area from which the animals are
- 5 authorized to be taken; and
- 6 4. The issue and expiration date of the permit.
- 7 D. A permit to manage depredating animals issued pursuant to
- 8 this section shall be valid for a period of one (1) year from the
- 9 date of issuance. Permits may be renewed by filing an application
- 10 for renewal with the Department.
- 11 E. The annual fee for a permit to manage depredating animals
- 12 issued pursuant to this section shall be One Hundred Dollars
- 13 (\$100.00).
- 14 F. Not less than twenty-four (24) hours prior to managing
- 15 depredating animals by use of an aircraft, a permit holder shall
- 16 notify the Department of Agriculture, Food, and Forestry of the
- 17 date, time, and area on which management will occur. Notification
- 18 may be made by telephone, fax, or electronic means, as determined by
- 19 the Department of Agriculture, Food, and Forestry.
- 20 G. The holder of a permit to manage depredating animals issued
- 21 pursuant to this section shall file with the Department within
- 22 thirty (30) days following the end of each calendar quarter or on
- 23 termination of the permit, whichever occurs first, a report on a
- 24 form prescribed by the Department showing:

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

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

4 3. The number and description of the depredating animals
5 managed under the permit;

6 4. The types of depredating animals authorized to be managed
7 under the permit;

8 5. Dates and times of authorized flights; and

9 6. Any other information required by the Department.

10 H. It shall be unlawful for a person issued a permit to manage
11 depredating animals pursuant to this section to:

12 1. Hunt, shoot, shoot at, kill, or attempt to kill from an
13 aircraft any wildlife other than the depredating animals authorized
14 by the permit;

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

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

21 I. Any person convicted of violating the provisions of this
22 section shall be punished by a fine of not less than Five Hundred
23 Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars
24 (\$1,500.00), or by imprisonment in the county jail not to exceed

1 sixty (60) days, or by both such fine and imprisonment. Any person
2 convicted of violating the provisions of this section shall have the
3 permit issued pursuant to this section revoked. No new permit shall
4 be issued for a period of six (6) months from and after the date on
5 which the revocation order becomes effective.

6 J. As used in this section:

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

9 2. "Management by the use of aircraft" means to manage
10 depredating animals by counting, photographing, relocating,
11 capturing, or hunting by the use of aircraft.

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

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

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

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

9 D. ~~No~~ Except as otherwise provided for in this section, no
10 person may harass, attempt to capture, capture, attempt to take or
11 take, kill or attempt to kill any wildlife with the aid of any
12 motor-driven land, air or water conveyance, ~~except a~~ . A
13 nonambulatory person may hunt from said conveyances with written
14 permission of the Director of Wildlife Conservation. ~~Provided,~~
15 ~~however, nothing in this Code~~ A person may hunt from an air
16 conveyance if issued a permit pursuant to Section 1 of this act.
17 Nothing in this section shall prevent the use of motor-driven land
18 or water conveyances for following dogs in the act of hunting, when
19 use of said conveyances is restricted to public roads or waterways.
20 ~~Said~~ Motor-driven land or water conveyances may be used on private
21 property for following dogs in the act of hunting with the
22 landowner's or occupant's permission of the landowner or occupant.

23 E. Employees of the State Department of Agriculture Wildlife
24 Services Division and the United States Department of Agriculture

1 Wildlife Services while engaged in wildlife management activities
2 for the protection of agriculture, property, human health and safety
3 and natural resources shall be exempt from the provisions of this
4 section.

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

13 SECTION 3. This act shall become effective November 1, 2009.

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