STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1920 By: McCall

COMMITTEE SUBSTITUTE

An Act relating to game and fish; amending 29 O.S. 2011, Section 4-107.2, which relates to a permit to engage in the management of depredating animals by use of aircraft; adding landowners and certain contractors as persons authorized to hold a permit; expanding lands on which permit applies; and providing an effective date.

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

SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-107.2, is amended to read as follows:

Section 4-107.2 A. The Oklahoma Department of Agriculture, Food, and Forestry is authorized to issue a permit to a person who holds a big game commercial hunting area license issued pursuant to Section 4-106 of ~~Title 29 of the Oklahoma Statutes~~ this title, to any landowner or to any person who has contracted with a landowner to manage depredating animals to engage in the management of depredating animals by use of aircraft only on land listed in the commercial hunting area license for a person who holds a big game

commercial hunting area license or only on land owned by the landowner. The permit may be issued without limitation by statewide season regulations or bag limits. The permit shall be carried in the aircraft when performing management by the use of aircraft.

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

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

1. The name and address of each authorized person;

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

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

4. The issue and expiration date of the permit.

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

E. The annual fee for a permit to manage depredating animals issued pursuant to this section shall be Two Hundred Dollars ($200.00).

F. Not less than twenty-four (24) hours prior to managing depredating animals by use of an aircraft, a permit holder shall notify the Department of the date, time, and area on which management will occur. Notification may be made by telephone, fax, or electronic means, as determined by the Department.

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

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

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

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

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

5. Dates and times of authorized flights; and

6. Any other information required by the Department.

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

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

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

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

I. During designated deer hunting seasons for guns as specified in rules promulgated by the Department of Wildlife Conservation, it shall be unlawful to take or attempt to take depredating animals without first obtaining a special permit from the local game warden or other authorized employee of the Department of Wildlife Conservation.

J. 1. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Five Hundred Dollars ($1,500.00), or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment. Any person

convicted of violating the provisions of this section shall have the permit issued pursuant to this section revoked. No new permit shall be issued for a period of six (6) months from and after the date on which the revocation order becomes effective.

2. In addition to the criminal penalties specified by this section, the Department may:

a. assess an administrative penalty of not more than Ten Thousand Dollars ($10,000.00) per day of noncompliance, or

b. bring an action for injunctive relief granted by a district court.

3. A district court may grant injunctive relief to prevent a violation of, or to compel compliance with, any of the provisions of this section or any rule promulgated pursuant to this section, or order, license or permit issued pursuant to this section.

4. Nothing in this section shall preclude the Department from seeking penalties in district court in the maximum amount allowed by law.

5. Any person assessed an administrative penalty may be required to pay, in addition to the penalty amount and interest, attorney fees and costs associated with the collection of the penalties.

6. The Department or the district attorney of the appropriate district of Oklahoma may bring an action in district court for the

criminal prosecution of a violation by any person of a provision of this section or any rule promulgated pursuant to this section, or order, license or permit issued pursuant to this section. The assessment of penalties in an administrative enforcement proceeding shall not prevent the subsequent assessment by a court of the maximum criminal penalties for violations of this section.

K. Any person convicted of violating the provisions of Section 4-106 of ~~Title 29 of the Oklahoma Statutes~~ this title shall have the permit issued pursuant to this section revoked. No new permit shall be issued for a period of six (6) months from and after the date on which the revocation order becomes effective.

L. As used in this section:

1. "Depredating animal" means feral hogs, coyotes, and crossbreeds between coyotes and dogs;

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

3. "Aircraft" means non-fixed-wing aircraft.

SECTION 2. This act shall become effective November 1, 2013.

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