

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 919

By: Justice and Shortey of the
Senate

and

Armes of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to animals; amending 29 O.S. 2011,
12 Section 4-107.2, which relates to management of
13 depredating animals by use of aircraft; removing big
14 game commercial hunting license as requirement for
15 issuance of permit; modifying definition of aircraft
16 to include fixed wing aircraft; and providing an
17 effective date.

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

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

21 Section 4-107.2 A. The Oklahoma Department of Agriculture,
22 Food, and Forestry is authorized to issue a permit to a person ~~who~~
23 ~~holds a big game commercial hunting area license issued pursuant to~~
24 ~~Section 4-106 of Title 29 of the Oklahoma Statutes~~ to engage in the
management of depredating animals by use of aircraft ~~only on land~~

1 ~~listed in the commercial hunting area license.~~ The permit may be
2 issued without limitation by statewide season regulations or bag
3 limits. The permit shall be carried in the aircraft when performing
4 management by the use of aircraft.

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

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

- 18 1. The name and address of each authorized person;
- 19 2. A description of the animals and number of animals
20 authorized to be taken;
- 21 3. A description of the area from which the animals are
22 authorized to be taken; and
- 23 4. The issue and expiration date of the permit.

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

5 E. The annual fee for a permit to manage depredating animals
6 issued pursuant to this section shall be Two Hundred Dollars
7 (\$200.00).

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

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

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

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

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

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

1 5. Dates and times of authorized flights; and

2 6. Any other information required by the Department.

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

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

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

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

14 I. During designated deer hunting seasons ~~for guns~~ from the
15 dates of October 1 through January 15 as specified in rules

16 promulgated by the Department of Wildlife Conservation, it shall be
17 unlawful to take or attempt to take depredating animals without
18 first obtaining a special permit from the local game warden or other
19 authorized employee of the Department of Wildlife Conservation.

20 J. 1. Any person convicted of violating the provisions of this
21 section shall be punished by a fine of not less than Five Hundred
22 Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars
23 (\$1,500.00), or by imprisonment in the county jail not to exceed
24 sixty (60) days, or by both such fine and imprisonment. Any person

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

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

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

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

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

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

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

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

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

7 K. Any person convicted of violating the provisions of Section
8 4-106 of Title 29 of the Oklahoma Statutes shall have the permit
9 issued pursuant to this section revoked. No new permit shall be
10 issued for a period of six (6) months from and after the date on
11 which the revocation order becomes effective.

12 L. As used in this section:

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

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

18 3. "Aircraft" means nonexperimental manned fixed wing and non-
19 fixed wing aircraft registered with the Federal Aviation
20 Administration (FAA).

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

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23 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE, dated
24 04/04/2013 - DO PASS, As Amended and Coauthored.