HB1068 FULLPCS2 Bob Cleveland-KB
2/24/2016 10:13:51 am

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1068 _____
Of the printed Bill

Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Bob Cleveland

Adopted: _____

_____
Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 1068 By: Cleveland

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to feral swine; amending 2 O.S. 2011, Section 6-604, which relates to removal of feral swine; eliminating permit requirement to kill feral swine at night; authorizing the removal of feral swine under certain circumstances; authorizing the use of motor-driven land conveyance and headlights; prohibiting hunting from a running motor-driven land conveyance; prohibiting the removal of feral swine during deer season; requiring the Department of Wildlife Conservation to develop certain online permitting process; requiring information be submitted; providing time period for inspection and issuance of a permit; providing time period for a permit; providing for authorization of certain number of individuals; directing the Wildlife Conservation Commission to establish fees for the permit; providing for distribution of fee; directing Commission to establish a permitting process and fee and permits used on certain lands; amending 29 O.S. 2011, Section 4-135, which relates to permits to control nuisances; eliminating permit requirement to kill feral swine at night; amending 29 O.S. 2011, Section 5-203.1, which relates to headlighting; permitting the use of certain lights to remove feral swine; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2011, Section 6-604, is amended to read as follows:

Section 6-604. A. Except as otherwise specified in the Feral Swine Control Act, any person with permission of the owner may remove feral swine from private or public property during daylight hours.

B. Any person ~~who intends to kill or attempt to kill feral swine at night shall obtain a permit issued by the Department of Wildlife Conservation pursuant to Section 4-135 of Title 29 of the Oklahoma Statutes and promulgated rules~~ with permission of the landowner may remove feral swine from private property during nighttime hours with a firearm after completing an online permitting process available on the website of the Department of Wildlife Conservation and receiving a permit. Any person who attempts to remove feral swine pursuant to this subsection may use a motor-driven land conveyance to pursue or follow feral swine and may use a vehicle-mounted spotlight or other powerful light also known as a headlight. A person shall not hunt or attempt to hunt feral swine pursuant to this subsection from a motor-driven land conveyance while the motor is still running. A person shall not attempt to remove feral swine pursuant to this subsection during designated deer hunting seasons as specified in rules promulgated by the Wildlife Conservation Commission.

C. The Department shall develop an online permitting process in which persons may apply for a permit at any time before they attempt to remove feral swine at night. The registrant shall submit the following information:

1. Name;

2. Contact information and emergency contact information;

3. Proof of a valid hunting license; and

4. Name and contact information of the landowner of the private land on which the registrant intends to remove feral swine, proof of approval from the landowner and a legal description of the private land.

The game warden may inspect the land on which the registrant intends to remove feral swine. The permit shall be issued or denied within ten (10) days after the online permit form is submitted. The permit shall be valid for a period from January 16 through September 30 of the year in which the permit was issued. The registrant may apply for another permit upon expiration of a permit. There shall be no limit on the number of permits a registrant may receive.

D. Each permit shall authorize a maximum of ten individuals to remove feral swine from the private property. Each authorized individual shall possess a valid hunting license.

E. The Commission shall establish fees for the nighttime feral swine permit issued pursuant to this section in an amount of not more than Twenty-five Dollars ($25.00) for a maximum of five

authorized individuals and not more than Fifty Dollars ($50.00) for a maximum of ten authorized individuals. All monies received from the permit fees shall be divided between the Department and the county sheriff department of the county in which the land is located as follows:

1. Seventy-five percent (75%) which shall be deposited in the State Wildlife Conservation Fund; and

2. Twenty-five percent (25%) which shall be deposited in the Sheriff's Service Fee Account.

F. The Commission shall establish an online permitting process and fee for a nighttime feral swine hunting permit for individuals taking feral swine located on land which is a part of a licensed commercial hunting area which is different from the permit issued pursuant to subsection C of this section.

SECTION 2. AMENDATORY 29 O.S. 2011, Section 4-135, is amended to read as follows:

Section 4-135. A. The Department of Wildlife Conservation is authorized to issue permits to landowners, lessees, or their designated agents and to any entity of state, county, or local government to control nuisance or damage by any species of wildlife including, but not limited to, beaver, coyote, deer, bobcat, raccoon, and crow under rules promulgated by the Oklahoma Wildlife Conservation Commission. The permits may be issued without limitation by statewide season regulations, bag limits or methods of

taking. A permitted landowner, lessee or a designated agent of the landowner or lessee may, with a valid permit issued pursuant to this section, control the wildlife specified in this subsection ~~and feral swine~~ at night to protect marketable agricultural crops, livestock, or processed feed, seed or other materials used in the production of an agricultural commodity.

B. Except as otherwise specified in this ~~subsection~~ section, the permit to hunt at night shall be valid for a period of up to one (1) year from the date the permit was issued. Each landowner, lessee, or designated agent with a valid permit shall be required to have a current agricultural exemption permit issued by the Oklahoma Tax Commission.

C. Notwithstanding the provisions of Section 5-203.1 of this title, a landowner, lessee, or designated agent of the landowner or lessee with a valid permit may use a headlight carried on the person while hunting at night. Nothing in this section shall authorize the use of a headlight mounted on a vehicle or the use of a headlight from a public roadway.

D. Any person who has been convicted of, or pled guilty to, a violation of Section 5-203.1 or Section 5-411 of this title within the previous three (3) years shall not be eligible to receive a permit pursuant to this section. The permit can be issued by the local game warden in the county for which the permit is to be used

or by the Law Enforcement Division of the Department of Wildlife Conservation.

E. Notwithstanding the provisions of Section 1289.13 of Title 21 of the Oklahoma Statutes, it shall be lawful for any private landowner or designated employee of the landowner or lessee to have a chamber-loaded firearm on property owned by the landowner, and to use the firearm for the purpose of controlling nuisance or damage by any wildlife or feral swine. Nothing in this section shall authorize any convicted felon to carry a firearm.

SECTION 3. AMENDATORY 29 O.S. 2011, Section 5-203.1, is amended to read as follows:

Section 5-203.1 A. No person may attempt to take, take, attempt to catch, catch, attempt to capture, capture, attempt to kill, or kill any deer, feral animal or other wildlife except <u>feral swine as provided by Section 6-604 of Title 2 of the Oklahoma Statutes,</u> fish and frogs by the use of a vehicle-mounted spotlight or other powerful light at night, by what is commonly known as "headlighting". Provided, however, nothing in this section shall prevent one from possessing a .22 caliber rimfire rifle or .22 pistol and a light carried while in pursuit of furbearers with hounds during the legal, open furbearers season, while possessing a valid hunting license.

B. Any person may use a shotgun, using No. 6 size shot or smaller, longbow, light and a call for the purpose of hunting

predatory animals, provided that written permission is obtained from the local game warden for each twenty-four-hour period of hunting.

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

D. Except as otherwise provided for in this section and Section 6-604 of Title 2 of the Oklahoma Statutes, no person may harass, attempt to capture, capture, attempt to take or take, kill or attempt to kill any wildlife with the aid of any motor-driven land, air or water conveyance. A nonambulatory person may hunt from said conveyances with written permission of the Director of Wildlife Conservation. A person may hunt from an air conveyance if issued a permit pursuant to Section ~~1~~ 4-107.2 of this ~~act~~ title. Nothing in this section shall prevent the use of motor-driven land or water conveyances for following dogs in the act of hunting, when use is restricted to public roads or waterways. Motor-driven land or water conveyances may be used on private property for following dogs in the act of hunting with the permission of the landowner or occupant.

E. Employees of the Oklahoma Department of Agriculture, Food, and Forestry Wildlife Services Division and the United States Department of Agriculture Wildlife Services while engaged in wildlife management activities for the protection of agriculture,

property, human health and safety and natural resources shall be exempt from the provisions of this section.

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

SECTION 4. This act shall become effective November 1, 2016.

55-2-7724 KB 02/08/16