

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2324

By: Coody

COMMITTEE SUBSTITUTE

An Act relating to game and fish; amending 29 O.S. 2011, Section 4-107.2, as amended by Section 1, Chapter 262, O.S.L. 2013 (29 O.S. Supp. 2016, Section 4-107.2), which relates to management of depredating animals by aircraft; specifying permit issued to commercial hunting license holders and landowners; limiting management of depredating animals by aircraft to certain areas; authorizing permit holders to authorize or contract with persons to manage depredating animals by aircraft; prohibiting the Oklahoma Department of Agriculture, Food, and Forestry from requiring the names of certain persons; specifying hunting by use of aircraft shall be with any firearm; and declaring an emergency.

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

SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-107.2, as amended by Section 1, Chapter 262, O.S.L. 2013 (29 O.S. Supp. 2016, 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

1 Section 4-106 of this title or to any landowner to engage in the
2 management of depredating animals by use of aircraft only on land
3 listed in the commercial hunting area license issued pursuant to
4 Section 4-106 of this title for a person who holds a big game
5 commercial hunting area license or only on land owned by the
6 landowner. The permit may be issued without limitation by statewide
7 season regulations or bag limits. ~~The permit shall be carried in~~
8 ~~the aircraft when performing management by the use of aircraft.~~

9 B. The permit holder may contract with and authorize other
10 persons to engage in the management of depredating animals by use of
11 an aircraft only on land listed in the commercial hunting area
12 license issued pursuant to Section 4-106 of this title for a person
13 who holds a big game commercial hunting area license or only on land
14 owned by the landowner. Any person contracting with or authorized
15 by a permit holder pursuant to this subsection shall not be required
16 to have a permit to engage in the management of depredating animals
17 by use of aircraft.

18 C. A pilot of an aircraft used for the management of
19 depredating animals shall maintain a daily flight log and report.
20 The daily flight log shall be current and available for inspection
21 by employees of the Department at reasonable times. The permit
22 shall be carried in the aircraft when performing management by the
23 use of aircraft. Each permit holder, authorized person pursuant to
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1 subsection B of this section and pilot shall comply with all Federal
2 Aviation Regulations 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. The Department
7 may deny the permit if it finds that it will have a deleterious
8 effect on indigenous species. The Department shall not require the
9 names of the persons authorized by or contracting with the permit
10 holder pursuant to subsection B of this section. The permit shall
11 include, but is not limited to, the following information:

12 1. The name and address of ~~each authorized person~~ the permit
13 holder;

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

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

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

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

1 E. The annual fee for a permit to manage depredating animals
2 issued pursuant to this section shall be Two Hundred Dollars
3 (\$200.00).

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

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

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

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

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

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

21 5. Dates and times of authorized flights; and

22 6. Any other information required by the Department.

23 H. It shall be unlawful for a person issued a permit to manage
24 depredating animals pursuant to this section or a person authorized

1 by or contracting with the permit holder pursuant to subsection B of
2 this section to:

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

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

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

12 I. During designated deer hunting seasons from the dates of
13 October 1 through January 15 as specified in rules promulgated by
14 the Department of Wildlife Conservation, it shall be unlawful to
15 take or attempt to take depredating animals without first obtaining
16 a special permit from the local game warden or other authorized
17 employee of the Department of Wildlife Conservation.

18 J. 1. Any person convicted of violating the provisions of this
19 section shall be punished by a fine of not less than Five Hundred
20 Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars
21 (\$1,500.00), or by imprisonment in the county jail not to exceed
22 sixty (60) days, or by both such fine and imprisonment. Any person
23 convicted of violating the provisions of this section shall have the
24 permit issued pursuant to this section revoked. No new permit shall

1 be issued for a period of six (6) months from and after the date on
2 which the revocation order becomes effective.

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

- 5 a. assess an administrative penalty of not more than Ten
6 Thousand Dollars (\$10,000.00) per day of
7 noncompliance, or
- 8 b. bring an action for injunctive relief granted by a
9 district court.

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

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

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

21 6. The Department or the district attorney of the appropriate
22 district of Oklahoma may bring an action in district court for the
23 criminal prosecution of a violation by any person of a provision of
24 this section or any rule promulgated pursuant to this section, or

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

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

10 L. As used in this section:

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

13 2. "Management by the use of aircraft" means to manage
14 depredating animals by counting, photographing, relocating,
15 capturing, or hunting with any firearm by the use of aircraft; and

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

19 SECTION 2. It being immediately necessary for the preservation
20 of the public peace, health or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

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