

1 **SENATE FLOOR VERSION**

2 April 4, 2017

3 ENGROSSED HOUSE
4 BILL NO. 2324

By: Coody, Faught and Strohm of
the House

5 and

6 Scott of the Senate

7
8
9 An Act relating to game and fish; amending 29 O.S.
10 2011, Section 4-107.2, as amended by Section 1,
Chapter 262, O.S.L. 2013 (29 O.S. Supp. 2016, Section
11 4-107.2), which relates to management of depredating
12 animals by aircraft; authorizing permit holders to
authorize or contract with persons to manage
13 depredating animals by aircraft under certain
circumstances; prohibiting the Oklahoma Department of
14 Agriculture, Food, and Forestry from imposing certain
requirements; specifying hunting by use of aircraft
15 shall be with any firearm; and declaring an
16 emergency.

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

18 SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-107.2, as
19 amended by Section 1, Chapter 262, O.S.L. 2013 (29 O.S. Supp. 2016,
20 Section 4-107.2), is 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 to
23 engage in the management of depredating animals by use of aircraft.
24 The permit may be issued without limitation by statewide season

1 regulations or bag limits. ~~The permit shall be carried in the~~
2 ~~aircraft when performing management by the use of aircraft.~~

3 B. The permit holder may contract with and authorize other
4 persons to engage in the management of depredating animals by use of
5 an aircraft; provided that the permit holder accompanies the
6 authorized person while engaging in the activity and, if engaging in
7 the activity on private property, the authorized person has consent
8 of the landowner. Any person contracting with or authorized by a
9 permit holder pursuant to this subsection shall not be required to
10 have a permit to engage in the management of depredating animals by
11 use of aircraft.

12 C. A pilot of an aircraft used for the management of
13 depredating animals shall maintain a daily flight log and report.
14 The daily flight log shall be current and available for inspection
15 by employees of the Department at reasonable times. The permit
16 shall be carried in the aircraft when performing management by the
17 use of aircraft. Each permit holder, authorized person pursuant to
18 subsection B of this section and pilot shall comply with all Federal
19 Aviation Regulations for the specific type of aircraft. The
20 Department shall not require the pilot to hold a specific type of
21 pilot's license. The Department shall also not require the permit
22 holder or pilot to carry liability insurance.

23 ~~C.~~ Applications for a permit shall be submitted to the
24 Department and shall contain all information as required by the

1 Department. The Department may issue a permit if it finds that it
2 will aid in the management of depredating animals. The Department
3 may deny the permit if it finds that it will have a deleterious
4 effect on indigenous species. The Department shall not require the
5 names of the persons authorized by or contracting with the permit
6 holder pursuant to subsection B of this section. The permit shall
7 include, but is not limited to, the following information:

- 8 1. The name and address of ~~each authorized person~~ the permit
9 holder;
- 10 2. A description of the animals ~~and number of animals~~
11 ~~authorized~~ to be taken;
- 12 3. A description of the area from which the animals are
13 authorized to be taken; and
- 14 4. The issue and expiration date of the permit.

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

19 E. The annual fee for a permit to manage depredating animals
20 issued pursuant to this section shall be Two Hundred Dollars
21 (\$200.00).

22 F. Not less than twenty-four (24) hours prior to managing
23 depredating animals by use of an aircraft, a permit holder shall
24 notify the Department of the date, time, and area on which

1 management will occur. Notification may be made by telephone, fax,
2 or electronic means, as determined by the Department.

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

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

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

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

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

15 5. Dates and times of authorized flights; and

16 6. Any other information required by the Department.

17 H. It shall be unlawful for a person issued a permit to manage
18 depredating animals pursuant to this section or a person authorized
19 by or contracting with the permit holder pursuant to subsection B of
20 this section to:

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

24

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

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

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

13 J. 1. Any person convicted of violating the provisions of this
14 section shall be punished by a fine of not less than Five Hundred
15 Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars
16 (\$1,500.00), or by imprisonment in the county jail not to exceed
17 sixty (60) days, or by both such fine and imprisonment. Any person
18 convicted of violating the provisions of this section shall have the
19 permit issued pursuant to this section revoked. No new permit shall
20 be issued for a period of six (6) months from and after the date on
21 which the revocation order becomes effective.

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

24

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

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

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

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

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

17 6. The Department or the district attorney of the appropriate
18 district of Oklahoma may bring an action in district court for the
19 criminal prosecution of a violation by any person of a provision of
20 this section or any rule promulgated pursuant to this section, or
21 order, license or permit issued pursuant to this section. The
22 assessment of penalties in an administrative enforcement proceeding
23 shall not prevent the subsequent assessment by a court of the
24 maximum criminal penalties for violations of this section.

1 K. Any person convicted of violating the provisions of Section
2 4-106 of Title 29 of the Oklahoma Statutes shall have the permit
3 issued pursuant to this section revoked. No new permit shall be
4 issued for a period of six (6) months from and after the date on
5 which the revocation order becomes effective.

6 L. As used in this section:

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

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

12 3. "Aircraft" means nonexperimental manned fixed wing and non-
13 fixed wing aircraft registered with the Federal Aviation
14 Administration (FAA).

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

19 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE
20 April 4, 2017 - DO PASS

21
22
23
24