

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2743

By: Condit

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5  
6 AS INTRODUCED

7 An Act relating to game and fish; amending 29 O.S.  
8 2011, Section 4-107.2, as amended by Section 1,  
9 Chapter 262, O.S.L. 2013 (29 O.S. Supp. 2015, Section  
10 4-107.2), which relates to depredating animals by use  
11 of aircraft; expanding definition to include certain  
12 powered parachutes; and providing an effective date.

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

14 SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-107.2, as  
15 amended by Section 1, Chapter 262, O.S.L. 2013 (29 O.S. Supp. 2015,  
16 Section 4-107.2), is amended to read as follows:

17 Section 4-107.2 A. The Oklahoma Department of Agriculture,  
18 Food, and Forestry is authorized to issue a permit to a person to  
19 engage in the management of depredating animals by use of aircraft.  
20 The permit may be issued without limitation by statewide season  
21 regulations or bag limits. The permit shall be carried in the  
22 aircraft when performing management by the use of aircraft.

23 B. A pilot of an aircraft used for the management of  
24 depredating animals shall maintain a daily flight log and report.

1 The daily flight log shall be current and available for inspection  
2 by employees of the Department at reasonable times. Each permit  
3 holder and pilot shall comply with all Federal Aviation Regulations  
4 for the specific type of aircraft.

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

- 12 1. The name and address of each authorized person;
- 13 2. A description of the animals and number of animals  
14 authorized to be taken;
- 15 3. A description of the area from which the animals are  
16 authorized to be taken; and
- 17 4. The issue and expiration date of the permit.

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

22 E. The annual fee for a permit to manage depredating animals  
23 issued pursuant to this section shall be Two Hundred Dollars  
24 (\$200.00).

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

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

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

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

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

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

18 5. Dates and times of authorized flights; and

19 6. Any other information required by the Department.

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

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

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:

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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 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) and powered parachutes that are ultralight  
15 vehicles as defined by Title 14, Section 103.1 of the Code of  
16 Federal Regulations.

17 SECTION 2. This act shall become effective November 1, 2016.

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