

1 ENGROSSED HOUSE
2 BILL NO. 2324

By: Coody of the House

and

3
4 Scott of the Senate

5
6 An Act relating to game and fish; amending 29 O.S.
7 2011, Section 4-107.2, as amended by Section 1,
8 Chapter 262, O.S.L. 2013 (29 O.S. Supp. 2016, Section
9 4-107.2), which relates to management of depredating
10 animals by aircraft; authorizing permit holders to
11 authorize or contract with persons to manage
12 depredating animals by aircraft under certain
13 circumstances; prohibiting the Oklahoma Department of
14 Agriculture, Food, and Forestry from imposing certain
15 requirements; specifying hunting by use of aircraft
16 shall be with any firearm; and declaring an
17 emergency.

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

19 SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-107.2, as
20 amended by Section 1, Chapter 262, O.S.L. 2013 (29 O.S. Supp. 2016,
21 Section 4-107.2), is amended to read as follows:

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

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

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

21 ~~C.~~ Applications for a permit shall be submitted to the
22 Department and shall contain all information as required by the
23 Department. The Department may issue a permit if it finds that it
24 will aid in the management of depredate animals. The Department

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

6 1. The name and address of ~~each authorized person~~ the permit
7 holder;

8 2. A description of the animals ~~and number of animals~~
9 ~~authorized~~ to be taken;

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

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

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

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

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

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

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

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

9 3. The number and description of the depredating animals
10 managed under the permit;

11 4. The types of depredating animals authorized to be managed
12 under the permit;

13 5. Dates and times of authorized flights; and

14 6. Any other information required by the Department.

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

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

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

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

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

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

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

- 21 a. assess an administrative penalty of not more than Ten
22 Thousand Dollars (\$10,000.00) per day of
23 noncompliance, or

1 b. bring an action for injunctive relief granted by a
2 district court.

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

7 4. Nothing in this section shall preclude the Department from
8 seeking penalties in district court in the maximum amount allowed by
9 law.

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

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

22 K. Any person convicted of violating the provisions of Section
23 4-106 of Title 29 of the Oklahoma Statutes shall have the permit
24 issued pursuant to this section revoked. No new permit shall be

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

3 L. As used in this section:

4 1. "Depredating animal" means feral hogs, coyotes, and
5 crossbreeds between coyotes and dogs;

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

9 3. "Aircraft" means nonexperimental manned fixed wing and non-
10 fixed wing aircraft registered with the Federal Aviation
11 Administration (FAA).

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

16 Passed the House of Representatives the 20th day of March, 2017.

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Presiding Officer of the House
of Representatives

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21 Passed the Senate the ____ day of _____, 2017.

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Presiding Officer of the Senate

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