

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. _____

COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1746, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Murdock

Murdock-QD-FS-Req#4015
3/10/2020 10:02 AM

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1746

By: Murdock of the Senate

and

McDugle of the House

6
7
8
9 FLOOR SUBSTITUTE

10 [nuisance wildlife - headlighting - coyote -
11 codification - effective date]

12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-135, is
15 amended to read as follows:

16 Section 4-135. A. The Department of Wildlife Conservation is
17 authorized to issue permits to landowners, lessees, or their
18 designated agents and to any entity of state, county, or local
19 government to control nuisance or damage by any species of wildlife
20 including, but not limited to, beaver, coyote, deer, bobcat,
21 raccoon, feral swine and crow under rules promulgated by the
22 Oklahoma Wildlife Conservation Commission. The permits may be
23 issued without limitation by statewide season regulations, bag
24 limits or methods of taking. A permitted landowner, lessee or a

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

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

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

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

1 E. Notwithstanding the provisions of Section 1289.13 of Title
2 21 of the Oklahoma Statutes, it shall be lawful for any private
3 landowner or designated employee of the landowner or lessee to have
4 a chamber-loaded firearm on property owned by the landowner, and to
5 use the firearm for the purpose of controlling nuisance or damage by
6 any wildlife or feral swine. Nothing in this section shall
7 authorize any convicted felon to carry a firearm.

8 SECTION 2. AMENDATORY 29 O.S. 2011, Section 5-203.1, is
9 amended to read as follows:

10 Section 5-203.1. A. No person may attempt to take, take,
11 attempt to catch, catch, attempt to capture, capture, attempt to
12 kill, or kill any deer, feral animal or other wildlife except fish,
13 coyotes, feral swine and frogs by the use of a vehicle mounted
14 spotlight or other powerful light at night, by what is commonly
15 known as "headlighting", except those persons provided for in
16 Section 3 of this act. Provided, however, nothing in this section
17 shall prevent one from possessing a .22 caliber rimfire rifle or .22
18 pistol and a light carried while in pursuit of furbearers with
19 hounds during the legal, open furbearers season, while possessing a
20 valid hunting license.

21 B. Any person may use a shotgun, using No. 6 size shot or
22 smaller, longbow, light and a call for the purpose of hunting
23 predatory animals; provided, that written permission is obtained
24 from the local game warden for each twenty-four-hour period of

1 hunting. Any gauge shotgun or caliber rifle may be used for the
2 purpose of hunting coyotes and feral swine.

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

7 D. Except as otherwise provided for in this section, no person
8 may harass, attempt to capture, capture, attempt to take or take,
9 kill or attempt to kill any wildlife with the aid of any motor-
10 driven land, air or water conveyance. A nonambulatory person may
11 hunt from ~~said conveyances~~ any motor-driven land, air or water
12 conveyance with written permission of the Director of Wildlife
13 Conservation. A person may hunt from an air conveyance if issued a
14 permit pursuant to Section ~~1 of this act~~ 4-107.2 of this title.

15 Nothing in this section shall prevent the use of motor-driven land
16 or water conveyances for following dogs in the act of hunting, when
17 use is restricted to public roads or waterways. Motor-driven land
18 or water conveyances may be used on private property for following
19 dogs in the act of hunting with the permission of the landowner or
20 occupant.

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

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

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

11 SECTION 3. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 4-135.2 of Title 29, unless
13 there is created a duplication in numbering, reads as follows:

14 A. Except during deer gun season, a private property landowner,
15 lessee or their designated agent may control nuisance or damage by
16 coyotes or feral swine without a permit as provided for in Section
17 4-135 of Title 29 of the Oklahoma Statutes during the day or night,
18 and without limitation by statewide season regulations, bag limits
19 or methods of taking to protect marketable agricultural crops,
20 livestock or processed feed, seed or other materials used in the
21 production of an agricultural commodity.

22 B. Notwithstanding the provisions of Section 5-203.1 of Title
23 29 of the Oklahoma Statutes, a landowner, lessee or designated agent
24 of the landowner or lessee may use a headlight carried on the

1 person, a vehicle with or without a mounted spotlight or night
2 vision equipment while hunting at night. Nothing in this section
3 shall authorize the use of a headlight, night vision equipment or a
4 spotlight from a public roadway.

5 C. Any person who has been convicted of, or pled guilty to, a
6 violation of Section 5-203.1 or Section 5-411 of Title 29 of the
7 Oklahoma Statutes within the previous three (3) years shall not
8 control nuisance or damage by coyotes or feral swine at night.

9 SECTION 4. This act shall become effective November 1, 2020.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

57-2-4015 QD 3/10/2020 10:02:12 AM