

1 **SENATE FLOOR VERSION**

2 April 10, 2023

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 1229

6 By: McCall of the House

7 and

8 Hall of the Senate

9 [Oklahoma Farmed Cervidae Act - Oklahoma Department
10 of Agriculture, Food, and Forestry - inspection
11 authority - license fee - rule promulgation
12 authority -

13 emergency]

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 6-517 of Title 2, unless there
17 is created a duplication in numbering, reads as follows:

18 A. For purposes of this section, "commercial harvesting
19 facility" means a privately or publicly owned premises managed or
20 engaged on a business basis for the harvesting or hunting of legally
21 acquired and privately owned cervidae, to include whitetail deer,
22 mule deer or elk, cervidae hybrids, turkey, exotic species, and
23 exotic hybrid species for barter, the offer to sell, or for the
24 possession with intent to sell for profit or monetary gain.

1 B. No person may propagate or hold in captivity any wildlife
2 belonging to the state. A commercial harvesting license shall be
3 issued by the Oklahoma Department of Agriculture, Food, and Forestry
4 to a commercial harvesting facility that applies for the commercial
5 harvesting license if that commercial harvesting facility complies
6 with all applicable laws and rules governing the harvesting of
7 legally acquired cervidae, to include whitetail deer, mule deer and
8 elk, cervidae hybrids, turkey, exotic species, and exotic hybrid
9 species harvested in a commercial harvesting facility.

10 C. Before obtaining a commercial harvesting facility license or
11 renewal the applicant shall submit proof that any additional animals
12 have been secured from a source other than wild stock of this state.

13 D. The Secretary of Agriculture, State Veterinarian, or their
14 designees shall have the authority to inspect a commercial
15 harvesting facility and its operations at any time if there is
16 probable cause that a violation has occurred. All other inspections
17 shall require prior notice as determined in the rule promulgation by
18 the Oklahoma Department of Agriculture, Food, and Forestry.

19 E. The annual fee for a commercial harvesting facility license
20 shall be Three Hundred Dollars (\$300.00).

21 F. All licenses issued pursuant to this section shall expire
22 August 31 of each year and shall replace those issued previously
23 pursuant to Section 4-106 of Title 29 of the Oklahoma Statutes.

24

1 G. The Oklahoma Department of Agriculture, Food, and Forestry
2 shall promulgate rules as necessary pursuant to the commercial
3 harvesting license outlined in this section.

4 SECTION 2. AMENDATORY 29 O.S. 2021, Section 4-106, is
5 amended to read as follows:

6 Section 4-106. A. No person may propagate or hold in captivity
7 any wildlife or domesticated animals hunted for sport for commercial
8 hunting area purposes without having procured a license from the
9 Director of the Department of Wildlife Conservation. Licenses shall
10 be classified as big game, upland game, or a combination of big game
11 and upland game.

12 1. A ~~big game license~~ commercial harvesting license, as created
13 in Section 1 of this act, shall be required for legally acquired
14 exotic ungulates, domesticated animals so designated by the Oklahoma
15 Wildlife Conservation Commission, exotic swine, and legally acquired
16 whitetail and mule deer, turkey and other species of big game
17 lawfully taken under the provisions of subsection A of Section 5-411
18 and Section 5-401 of this title. Wildlife that has been crossbred
19 with exotic wildlife shall be considered native and not exotic
20 unless documentation shows otherwise.

21 2. An upland game license shall be required for legally
22 acquired captive-raised pheasants, all species of quail, Indian
23 chukars, water fowl, and other similar or suitable gallinaceous
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1 ~~birds; and shall include turkey if no other big game species are~~
2 ~~listed on the license/application.~~

3 B. Before obtaining a license or a renewal of a license the
4 applicant shall submit proof that such wildlife or domesticated
5 animals hunted for sport will be or have been secured from a source
6 other than the wild stock in this state. Any person obtaining or
7 renewing a license shall submit a true and complete inventory of
8 said animals before a license shall be approved. Each license shall
9 specifically list the different species and/or subspecies to be
10 hunted on the listed hunting area or premises.

11 C. ~~Any game warden of the Oklahoma Department of Wildlife~~
12 ~~Conservation shall have authority to inspect any and all records and~~
13 ~~invoices pertaining to the commercial hunting operations of any~~
14 ~~person licensed or requesting licensure pursuant to this section and~~
15 ~~additionally shall have the authority to inspect any and all~~
16 ~~facilities, equipment and property connected to the hunting~~
17 ~~operation of any person licensed or requesting licensure pursuant to~~
18 ~~this section.~~

19 D. 1. ~~The annual fee for a commercial hunting area license for~~
20 ~~upland game under this section shall be One Hundred Dollars~~
21 ~~(\$100.00).~~

22 2. ~~The annual fee for a commercial hunting area license for:~~

23 a. ~~big game pursuant to this section shall be Two Hundred~~
24 ~~Fifty Dollars (\$250.00), or~~

1 ~~b.~~ ~~a combination of big game and upland game pursuant to~~
2 ~~this section shall be Three Hundred Fifty Dollars~~
3 ~~(\$350.00).~~

4 ~~F.~~ D. All licenses issued pursuant to this section shall expire
5 on June 30 of each year.

6 ~~F.~~ E. Exemptions from this license requirement shall be
7 operators of running pens used for the performance test or training
8 of dogs. Operators of such running pens may acquire coyotes from
9 wild stock without having to possess a fur dealer's license for such
10 purpose and no license shall be required of those involved in
11 performance testing or training dogs in such running pens so long as
12 no other wildlife are taken or hunted in any manner.

13 ~~G.~~ F. 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.

18 ~~H.~~ G. Any person convicted of violating the provisions of this
19 section shall have the commercial hunting area license revoked. No
20 new license shall be issued for a period of six (6) months from and
21 after the date on which the revocation order becomes effective.

22 ~~I.~~ H. The Department is authorized to promulgate rules
23 pertaining to ~~commercial hunting areas~~ this section.

1 SECTION 3. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS
6 April 10, 2023 - DO PASS AS AMENDED
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