

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1473

By: Armes and Roberts (Dustin)
of the House

and

Fields of the Senate

8 An Act relating to agriculture; amending Section 5, Chapter 138,
O.S.L. 2006, as amended by Section 3, Chapter 360,
9 O.S.L. 2010 (2 O.S. Supp. 2010, Section 6-505),
which relates to the Oklahoma Farmed Cervidae Act;
10 removing double-fencing requirement for export of
certain cervidae; and providing an effective date.

12 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

13 "[agriculture - Oklahoma Farmed Cervidae Act -
14 removing double-fencing requirement - effective
date]

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

17 SECTION 1. AMENDATORY Section 2, Chapter 138, O.S.L.
18 2006, as amended by Section 1, Chapter 360, O.S.L. 2010 (2 O.S.
19 Supp. 2010, Section 6-502), is amended to read as follows:

20 Section 6-502. As used in the Oklahoma Farmed Cervidae Act:

21 1. "Cervid", "cervidae", and "deer" mean any member of the
22 cervidae family;

23 2. "Commercial" means to manage on a business basis or engage in
24 any transaction or exchange for consideration including barter, the

1 offer to sell, or possession with intent to sell for profit or
2 monetary gain;

3 3. "Department" means the Oklahoma Department of Agriculture,
4 Food, and Forestry;

5 4. "Farmed cervidae" means all species of the cervid family and
6 hybrids including white-tailed deer, elk, mule deer, red deer, or any
7 other member of the family cervidae specified in rule by the State
8 Board of Agriculture with written concurrence of the Department of
9 Wildlife Conservation that are raised or maintained within a
10 perimeter fence or confined space for the production of meat and
11 other agricultural products, sport, exhibition, personal use, or any
12 other purpose. Farmed cervidae shall be considered livestock as long
13 as they remain in a farmed cervidae facility. Farmed cervidae shall
14 not include cervidae in a commercially licensed hunting facility;

15 5. "Farmed cervidae facility" means any private or public
16 premises that contain one or more privately owned cervidae and the
17 privately owned cervidae are not removed from the premises through
18 hunting;

19 6. "Native cervidae" means any and all cervidae that are
20 indigenous to Oklahoma or are living in a state of nature;

21 7. "Noncommercial" means to manage for personal enjoyment and
22 personal use;

23 8. "Operator" means the person who performs the daily farmed
24 cervidae management functions;

1 9. "Owner" means a person with legal title to a farmed cervid or
2 herd of farmed cervidae;

3 10. "Premises" means the ground, area, buildings, water source
4 and equipment commonly shared by a herd of cervidae; and

5 11. "Proof of ownership" means an inspection certificate of
6 sale from a licensed public livestock market showing individual
7 identification, a bill of sale, a certificate of sale, court orders,
8 a statement that the cervidae was born from animals owned by the
9 seller, or any other document the Department deems acceptable.

10 SECTION 2. AMENDATORY Section 5, Chapter 138, O.S.L.
11 2006, as amended by Section 3, Chapter 360, O.S.L. 2010 (2 O.S.
12 Supp. 2010, Section 6-505), is amended to read as follows:

13 Section 6-505. A. The Oklahoma Department of Agriculture,
14 Food, and Forestry shall promulgate rules regarding the application
15 and licensing process, including but not limited to:

16 1. The expiration date of a farmed cervidae facility license:

17 a. the license shall expire on June 30 of each calendar
18 year, and the renewal application shall be submitted
19 no later than ~~February 15~~ April 1 of each calendar
20 year,

21 b. any renewal application received or postmarked after
22 the renewal date shall be subject to a ten-percent
23 penalty in addition to the renewal fee,

24

1 c. in addition to the renewal application containing all
2 information from the initial license application other
3 than the information requirements of paragraphs 6, 7
4 and 8 of subsection C of Section 6-504 of this title,
5 the licensee shall submit a signed, complete,
6 accurate, and legible form with the following
7 information:

8 (1) the annual report containing all inventory
9 information for all cervidae one (1) year of age
10 or older, unless the facility is a Chronic
11 Wasting Disease monitored herd with a current
12 Chronic Wasting Disease inventory on file with
13 the Department,

14 (2) any changes to the facility or change in status
15 of convictions as required by paragraph 8 of
16 subsection C of Section 6-504 of this title since
17 the last renewal or original license application,
18 including, but not limited to:

19 (a) changes in contact information, and

20 (b) changes in perimeter fences, including
21 attaching an updated facility map indicating
22 any expansion, change in facility perimeter,
23 or any additional fencing, and
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1 d. failure to renew a license by the expiration date
2 shall result in the facility being quarantined until
3 an administrative hearing can be conducted. The
4 failure may result in revocation of the license, loss
5 of the facility number, closure of the facility, and
6 removal of the cervidae from the premises;

7 2. Fees for farmed cervidae facility licenses and all renewals;

8 3. Procedures for the transfer of ownership:

9 a. the new owner or operator shall submit to the
10 Department a transfer application, attaching any
11 change of conditions resulting from the transfer of
12 ownership or operation,

13 b. after receipt of the information required, the
14 Department shall review the information, and within
15 thirty (30) days, issue approval or denial of the
16 transfer. Transfer of a license shall be denied
17 only if the new owner or operator cannot comply with
18 the requirements of transfer, and

19 c. if a transfer is denied, written notification of the
20 denial and an opportunity for an administrative
21 hearing on the denial shall be given to the
22 applicant for a transfer license by the Department.
23 The notification shall set forth the reasons for the
24 denial, steps necessary to meet the requirements for

1 a transfer license and the opportunity for the
2 applicant to request an administrative hearing;

3 4. Recordkeeping requirements:

4 a. all required records shall be kept by the owner or
5 operator for a maximum of three (3) years, and

6 b. the following records shall be maintained at the
7 facility:

8 (1) records of all cervidae sold, killed, given away,
9 transported, or shipped from a farmed cervidae
10 facility,

11 (2) proof that the cervidae are from a legal source
12 and records kept and animals marked to identify
13 individual animals,

14 (3) the Chronic Wasting Disease inventory or an
15 inventory of cervidae one (1) year of age or
16 older containing the following information:

17 (a) name and address of the farmed cervidae
18 facility, the owner, and the operator,

19 (b) a listing of any and all identification
20 numbers assigned to the cervidae by the
21 owner or operator and any other official
22 entity using either any official
23 identification approved by the Department or
24 United States Department of Agriculture

1 alphanumeric test tag number or official
2 Canadian alphanumeric test tag number, if
3 applicable,

4 (c) age,

5 (d) sex,

6 (e) date of purchase,

7 (f) date of death or date of change of
8 ownership,

9 (g) any cervidae born at the facility that are
10 one (1) year of age or older shall be shown
11 on the inventory record, or upon sale or
12 transfer of ownership or upon leaving the
13 facility, whichever comes first, and

14 (h) date the inventory was completed, and

15 (4) herd and individual animal health documents,
16 including, but not limited to, the Certificate of
17 Veterinary Inspection and test results;

18 5. Importation requirements:

19 a. import of cervidae originating in any county or
20 Canadian province where Chronic Wasting Disease exists
21 in free-ranging native herds shall be prohibited,

22 b. all other cervidae imports shall only be from a source
23 herd that is in a Chronic Wasting Disease surveillance
24 and certification program for a minimum of five (5)

1 years monitored and the program meets the standards of
2 cervidae importation into Oklahoma,

3 c. import of cervidae shall be accompanied by a
4 Certificate of Veterinary Inspection and an approved
5 Cervidae Import Permit, and

6 d. import of cervidae shall follow all other disease
7 testing required by the Oklahoma Statutes or rules
8 promulgated by the Department;

9 6. Animal identification requirements;

10 7. Fencing requirements and limits on the size of licensed
11 facilities, including:

12 a. the owner or operator shall ensure that farmed
13 cervidae are confined to the lands described in the
14 application,

15 b. the perimeter of each farmed cervidae facility shall
16 be an eight-foot game or high tensile fence designed
17 in a manner to prevent ingress and egress of cervidae,

18 c. damage caused to a farmed cervidae facility perimeter
19 fence by a natural disaster shall not constitute a
20 violation so long as the owner or operator begins any
21 necessary repairs immediately upon discovery, acts
22 expeditiously in the opinion of the Department to
23 complete any necessary repairs, and reports the extent
24

1 and cause of any damage to the Department within two
2 (2) working days of discovery,

3 d. the owner or operator shall notify the Department
4 within two (2) working days of discovery of any wild
5 cervidae within the farmed cervidae facility,

6 e. the owner or operator shall provide each farmed
7 cervidae with adequate water, adequate feed, and
8 appropriate natural or manmade shelter, ~~and reasonable~~
9 ~~protection from predators,~~ and

10 f. facility size shall be limited to the largest
11 practicable area to ensure no native or wild cervidae
12 are within the confines of the facility. Limitations
13 on facility size may include but not be limited to
14 geography and topography of the property; and

15 8. Flushing procedures prepared with the input from the
16 Department of Wildlife Conservation to ensure no native cervidae
17 remain in a newly established licensed enclosure.

18 B. Any application for a farmed cervidae license shall be on a
19 form prescribed by the Oklahoma Department of Agriculture, Food, and
20 Forestry.

21 C. All farmed cervidae shall be confined to the lands described
22 in the application for a specific facility and in a manner to
23 prohibit:

1 1. Native cervidae from becoming part of a licensed farmed
2 cervidae facility; and

3 2. Farmed cervidae from commingling with native cervidae.

4 D. When practicable the initial or annual inspection shall be
5 coordinated with the owner or operator. In no case shall access by
6 the Department be restricted in the event coordination does not
7 occur.

8 E. The Department and the Department of Wildlife Conservation
9 may coordinate and conduct inspections or investigations jointly.

10 F. Export of cervidae originating in any Oklahoma county where
11 Chronic Wasting Disease exists in free-ranging native herds shall be
12 allowed if exported from a monitored, ~~double-fenced~~ facility that is
13 not quarantined.

14 SECTION 3. This act shall become effective November 1, 2011."

15 Passed the Senate the 19th day of April, 2011.

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Presiding Officer of the Senate

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19 Passed the House of Representatives the ____ day of _____,

20 2011.

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2 BILL NO. 1473

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8 Chapter 138, O.S.L. 2006, as amended by Section 3,
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17 (2) any changes to the facility or change in status
18 of convictions as required by paragraph 8 of
19 subsection C of Section 6-504 of this title since
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