

# An Act

ENROLLED HOUSE  
BILL NO. 1348

By: Newell of the House

and

Coates of the Senate

An Act relating to game and fish; allowing a certain taxidermy specimen to be sold at an estate sale under certain conditions; requiring written permission of the Director of Wildlife Conservation; authorizing the Director to require submission of certain documents or information; providing exception for certain animals; defining terms; providing for codification; and declaring an emergency.

SUBJECT: Taxidermy specimens

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-411.2 of Title 29, unless there is created a duplication in numbering, reads as follows:

A. A taxidermy specimen of native wildlife may be sold at an estate sale only if the specimen is a part of the personal property of an owner whose estate is being liquidated at the sale and the Director of Wildlife Conservation grants written permission prior to the sale. The Director may require submission of any documents or information as is necessary to determine the reason for and type of sale that is being conducted.

B. 1. The provisions of this section shall not apply to a taxidermy specimen of:

- a. privately owned domesticated animal as defined in Section 2-108.1 of Title 29 of the Oklahoma Statutes,

- b. farmed cervidae from a farmed cervidae facility licensed pursuant to the Oklahoma Farmed Cervidae Act,
- c. any exotic wildlife as defined in Section 2-109.1 of Title 29 of the Oklahoma Statutes,
- d. any wildlife or domesticated animal legally harvested from a commercial hunting area licensed pursuant to Section 4-106 of Title 29 of the Oklahoma Statutes, and
- e. any native wildlife, the selling, buying, or trading of which is otherwise allowed by state law.

2. The provisions of this section shall not be construed to allow the selling, buying or trading of a taxidermy specimen of any wildlife which is otherwise prohibited by state law or by federal law or regulation, including but not limited to migratory birds.

C. For purposes of this section:

1. "Estate sale" means a type of sale or auction to dispose of a substantial portion of the real or personal property owned by a person who is recently deceased or owned by a person who must dispose of property to facilitate a move into a situation where the person will be unable to keep the property, such as to an assisted living facility, retirement community, rest home or other living quarters. Estate sales may be held by the survivors of a deceased, by a person unable to keep the property because of a move, ordered by a court or mandated in the will of a deceased. Estate sales may be conducted by a professional auctioneer or liquidator who may charge the estate a percentage of the revenues from the sales and other fees and costs incurred; and

2. "Taxidermy specimen" means the body of any native wildlife, or any other part thereof, that has been mounted, preserved or otherwise prepared for display.

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

Passed the House of Representatives the 14th day of March, 2011.

\_\_\_\_\_  
Presiding Officer of the House of  
Representatives

Passed the Senate the 20th day of April, 2011.

\_\_\_\_\_  
Presiding Officer of the Senate

**OFFICE OF THE GOVERNOR**

Received by the Governor this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

**OFFICE OF THE SECRETARY OF STATE**

Received by the Secretary of State this \_\_\_\_\_  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_