

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 53rd Legislature (2011)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1348

By: Newell of the House

and

Coates of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

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

23 A. A taxidermy specimen of native wildlife may be sold at an
24 estate sale only if the specimen is a part of the personal property

1 of an owner whose estate is being liquidated at the sale and the
2 Director of Wildlife Conservation grants written permission prior to
3 the sale. The Director may require submission of any documents or
4 information as is necessary to determine the reason for and type of
5 sale that is being conducted.

6 B. The provisions of this section shall not apply to privately
7 owned domesticated animals designated by the Wildlife Conservation
8 Commission, farmed cervidae facilities licensed pursuant to the
9 Oklahoma Farmed Cervidae Act, or migratory birds.

10 C. For purposes of this section:

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

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

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

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9 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE, WILDLIFE AND
10 ENVIRONMENT, dated 02-23-2011 - DO PASS, PLACED ON CONSENT CALENDAR,
11 As Amended and Coauthored.

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