

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 1229

By: McCall

COMMITTEE SUBSTITUTE

[Oklahoma Farmed Cervidae Act - Oklahoma Department
of Agriculture, Food, and Forestry - inspection
authority - license fee - rule promulgation
authority -
emergency]

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 6-517 of Title 2, unless there
is created a duplication in numbering, reads as follows:

A. For purposes of this section, "commercial harvesting
facility" means a privately or publicly owned premises managed or
engaged on a business basis for the harvesting or hunting of legally
acquired and privately owned cervidae, to include whitetail deer,
mule deer or elk, cervidae hybrids, turkey, exotic species, and

1 exotic hybrid species for barter, the offer to sell, or for the
2 possession with intent to sell for profit or monetary gain.

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

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

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

21 E. The annual fee for a commercial harvesting facility license
22 shall be Three Hundred Dollars (\$300.00).
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1 F. All licenses issued pursuant to this section shall expire
2 August 31 of each year and shall replace those issued previously
3 pursuant to Section 4-106 of Title 29 of the Oklahoma Statutes.

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

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

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

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

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

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

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

22 D. ~~1. The annual fee for a commercial hunting area license for~~
23 ~~upland game under this section shall be One Hundred Dollars~~
24 ~~(\$100.00).~~

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

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

4 ~~b. a combination of big game and upland game pursuant to~~
5 ~~this section shall be Three Hundred Fifty Dollars~~
6 ~~(\$350.00).~~

7 ~~E.~~ D. All licenses issued pursuant to this section shall expire
8 on June 30 of each year.

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

16 ~~G.~~ F. Any person convicted of violating the provisions of this
17 section shall be punished by a fine of not less than Five Hundred
18 Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars
19 (\$1,500.00), or by imprisonment in the county jail not to exceed
20 sixty (60) days, or by both such fine and imprisonment.

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

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

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

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8 59-1-7928 LRB 03/02/23
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