

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 16, 2023

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB492

By: Woods, Stephens and Paxton of the Senate and Hardin of the House

Title: Oklahoma Department of Agriculture, Food, and Forestry; creating the Wildfire Reimbursement Revolving Fund. Effective date. Emergency.

together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute (Request #2196) be adopted.

Respectfully submitted,

SENATE CONFEREES:



Woods



Kidd

Hall



Paxton



Jech



Green



Boren

HOUSE CONFEREES:

Conference Committee on Agriculture

Senate Action _____ Date _____ House Action _____ Date _____

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED

4 SENATE BILL NO. 492

By: Woods, Stephens, and Paxton
of the Senate

5 and

6 Hardin of the House
7
8

9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to the Oklahoma Department of
11 Agriculture, Food, and Forestry; defining certain
12 term; prohibiting certain wildlife propagation and
13 holding; requiring the Oklahoma Department of
14 Agriculture, Food, and Forestry to provide certain
15 license; requiring certain proof submission; allowing
16 certain inspections; requiring certain notice for
17 specific inspections; requiring certain fee;
18 requiring certain license expiration and replacement;
19 requiring certain rule promulgation; amending 29 O.S.
20 2021, Section 4-106, which relates to the license for
21 holding in captivity wildlife or domesticated animals
22 hunted for sport; requiring certain license; removing
23 certain inclusion; removing certain inspection
24 authority; removing outdated fee amounts; modifying
certain rule promulgation authority; creating certain
revolving fund; requiring certain fund continuation;
requiring certain fund consist of specific designated
monies; allowing the Oklahoma Department of
Agriculture, Food, and Forestry to appropriate and
budget certain fund monies under specific conditions
to particular entities; requiring certain
expenditures be made under specific circumstances;
authorizing certain rule promulgation authority;
appropriating certain monies to specific fund;
updating statutory language; providing for
codification; providing for noncodification; and
declaring an emergency.

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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 and elk, cervidae hybrids, turkey, exotic species, and exotic hybrid species for barter, the offer to sell, or for the possession with intent to sell for profit or monetary gain.

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

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

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

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

9 F. All licenses issued pursuant to this section shall expire
10 August 31 of each year and shall replace the big game licenses
11 issued previously pursuant to Section 4-106 of Title 29 of the
12 Oklahoma Statutes.

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

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

18 Section 4-106. A. No person may propagate or hold in captivity
19 any wildlife or domesticated animals hunted for sport for commercial
20 hunting area purposes without having procured a license from the
21 Director of the Department of Wildlife Conservation. ~~Licenses~~
22 Commercial hunting licenses shall be classified as big game, upland
23 game, ~~or a combination of big game and upland game,~~ or a commercial
24 harvesting license.

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

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

15 B. Before obtaining a license or a renewal of a license the
16 applicant shall submit proof that such wildlife or domesticated
17 animals hunted for sport will be or have been secured from a source
18 other than the wild stock in this state. Any person obtaining or
19 renewing a license shall submit a true and complete inventory of
20 ~~said~~ the animals before a license shall be approved. Each license
21 shall specifically list the different species and/or subspecies to
22 be hunted on the listed hunting area or premises.

23 C. ~~Any game warden of the Oklahoma Department of Wildlife~~
24 ~~Conservation shall have authority to inspect any and all records and~~

1 ~~invoices pertaining to the commercial hunting operations of any~~
2 ~~person licensed or requesting licensure pursuant to this section and~~
3 ~~additionally shall have the authority to inspect any and all~~
4 ~~facilities, equipment and property connected to the hunting~~
5 ~~operation of any person licensed or requesting licensure pursuant to~~
6 ~~this section.~~

7 ~~D.~~ 1. The annual fee for a commercial hunting area license for
8 upland game under this section shall be One Hundred Dollars
9 (\$100.00).

10 ~~2. The annual fee for a commercial hunting area license for:~~
11 ~~a. big game pursuant to this section shall be Two Hundred~~
12 ~~Fifty Dollars (\$250.00), or~~
13 ~~b. a combination of big game and upland game pursuant to~~
14 ~~this section shall be Three Hundred Fifty Dollars~~
15 ~~(\$350.00).~~

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

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

1 ~~G.~~ F. Any person convicted of violating the provisions of this
2 section shall be punished by a fine ~~of~~ not less than Five Hundred
3 Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars
4 (\$1,500.00), or by imprisonment in the county jail not to exceed
5 sixty (60) days, or by both such fine and imprisonment.

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

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

12 SECTION 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 16-14 of Title 2, unless there
14 is created a duplication in numbering, reads as follows:

15 A. There is hereby created in the State Treasury a revolving
16 fund for the Oklahoma Department of Agriculture, Food, and Forestry
17 to be designated the "Wildfire Reimbursement Revolving Fund". The
18 fund shall be a continuing fund, not subject to fiscal year
19 limitations, and shall consist of all monies designated to the fund
20 by law. All monies accruing to the credit of the fund are hereby
21 appropriated and may be budgeted and expended by the Oklahoma
22 Department of Agriculture, Food, and Forestry for the purpose of
23 reimbursement of expenditures of Oklahoma rural fire departments and
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1 the Oklahoma Forestry Services who participated in extinguishment
2 efforts of fires that:

3 1. Were not fully extinguished in the twenty-four (24) hours
4 after their reporting; and

5 2. Involved more than one rural fire department jurisdiction.

6 B. Expenditures from the fund shall be made upon warrants
7 issued by the State Treasurer against claims filed as prescribed by
8 law with the Director of the Office of Management and Enterprise
9 Services for approval and payment.

10 C. The Oklahoma Department of Agriculture, Food, and Forestry
11 is authorized to promulgate rules for the administration of the
12 Wildfire Reimbursement Revolving Fund.

13 SECTION 4. NEW LAW A new section of law not to be
14 codified in the Oklahoma Statutes reads as follows:

15 There is hereby appropriated to the Wildfire Reimbursement
16 Revolving Fund created in Section 3 of this act from any monies not
17 otherwise appropriated from the General Revenue Fund of the State
18 Treasury for the fiscal year ending June 30, 2024, the sum of Five
19 Million Dollars (\$5,000,000.00) or so much thereof as may be
20 necessary to perform the duties imposed upon the Oklahoma Department
21 of Agriculture, Food, and Forestry by law.

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

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