

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1294

BY: MADDUX (Elmer)

AS INTRODUCED

AN ACT RELATING TO AGRICULTURE; REQUIRING LICENSES FOR COMMERCIAL PRODUCTION OF FISH BY DEPARTMENT OF AGRICULTURE; PROVIDING LICENSE FEE; PROVIDING A PENALTY; REQUIRING CERTAIN OPERATION CONDITIONS; PROHIBITING CERTAIN ACTIVITIES; AUTHORIZING CERTAIN INSPECTIONS, REMOVALS AND TREATMENTS; REQUIRING CERTAIN REPORTS; REQUIRING CERTAIN VEHICLE DECALS; PROVIDING PENALTIES; AUTHORIZING TECHNICAL ASSISTANCE; AMENDING 29 O.S. 1981, SECTION 4-102, AS AMENDED BY SECTION 1, CHAPTER 91, O.S.L. 1985 AND 6-102 (29 O.S. SUPP. 1990, SECTION 4-102), WHICH RELATE TO COMMERCIAL PRODUCTION OF CERTAIN WATER SPECIES; REMOVING CERTAIN AUTHORITY OF THE OKLAHOMA DEPARTMENT OF WILDLIFE CONSERVATION; PROVIDING FOR TRANSFER OF CERTAIN EQUIPMENT AND FILES; PROVIDING FOR CODIFICATION; PROVIDING FOR NONCODIFICATION; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN 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 9-301 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. No person may engage in the private commercial production of fish used as or for a food product without having first procured a license for such from the Commissioner of Agriculture.

B. The fee for a license under this section, and the fee for the renewal of such license, shall be Ten Dollars (\$10.00).

C. All licenses may be renewed so long as the applicant remains in operation and in the production of a particular species.

D. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for a period not to exceed ten (10) days, or by both such fine and imprisonment.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-302 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. All fish commercially produced as or for a food product shall be confined to the land and waters of the propagator in such manner as to prohibit wild fish or species belonging to Oklahoma from being part of the enterprise operations.

B. There shall be no restrictions as to the manner in which propagators gather or impound the species raised within the impoundments in their operation.

C. No person shall sell or attempt to sell fish from public waters which are commingled with fish produced privately.

D. No propagator may freely receive from the state or federal government any species of fish furnished by such government.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-303 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. The Department of Agriculture shall have the right at intervals to inspect the operations carried on by commercial propagators of fish, so as to determine whether or not diseased species, which would cause said species to contaminate wild fish, exist in the impoundments.

B. If diseased conditions exist, the Department shall have the prerogative of requiring the removal or treatment of such diseased species, so that they will not lead to contamination of wild fish.

C. Any propagator inspected shall be present during that inspection and shall cooperate with the Department.

D. All propagators shall send to the Department a true annual summary of all fish produced and marketed and any other information as requested by the Department.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-304 of Title 2, unless there is created a duplication in numbering, reads as follows:

All vehicles used to transport commercially propagated fish shall be marked conspicuously by decals bearing the inscription "Aquatic Culture." Such decals, to be furnished by the Department at a cost of fifty cents (\$0.50), shall be placed on the center of each door and defaced in no manner. Such decals shall expire on December 31 of each year.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-305 of Title 2, unless there is created a duplication in numbering, reads as follows:

Any person violating any of the provisions of Sections 2 through 5 of this act shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00).

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-306 of Title 2, unless there is created a duplication in numbering, reads as follows:

The Department of Agriculture is hereby authorized to provide technical assistance for all persons lawfully engaged in commercial operations of fish production, such technical assistance to be through recommendations and in no instance shall the Department provide manpower or any funds to effectuate those recommendations. Reasonable fees, as determined by the State Board of Agriculture, may be charged by the Department of Agriculture for salary, expenses and supplies of Department employees providing technical assistance.

SECTION 7. AMENDATORY 29 O.S. 1981, Section 4-102, as amended by Section 1, Chapter 91, O.S.L. 1985 (29 O.S. Supp. 1990, Section 4-102), is amended to read as follows:

Section 4-102. A. No person may engage in the private commercial production of ~~eatfish~~, minnows, fingerlings, fish, frogs or other water species used for bait without having first procured a license for such from the Director.

B. The fee for a license under this section, and the fee for the renewal of such license, shall be Ten Dollars (\$10.00).

C. All licenses may be renewed so long as the applicant remains in operation and in the production of a particular species.

D. Nothing in this act shall be construed to provide for the importation or exportation of minnows and other fish species which are provided for specifically in Sections 4-105, 4-115 and 7-602.

E. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for a period not to exceed ten (10) days, or by both such fine and imprisonment.

SECTION 8. AMENDATORY 29 O.S. 1981, Section 6-102, is amended to read as follows:

Section 6-102. A. All ~~eatfish~~, minnows, fingerlings, fish, frogs and other water species commercially produced for bait shall be confined to the lands and waters of the propagator in such manner

as to prohibit wild fish or species belonging to Oklahoma from becoming a part of the enterprise operations.

B. There shall be no restrictions as to the manner in which propagators gather or impound the species raised within the impoundments in their operation.

C. No person may sell or attempt to sell game fish from public waters which are commingled with fish produced privately.

D. No propagator may freely receive from the state or federal government any species furnished by such government.

SECTION 9. All of the powers, duties and responsibilities of the Oklahoma Department of Wildlife Conservation relating to the licensing of fish for commercial production as a food product are hereby transferred to the Department of Agriculture, together with all property and records or encumbrances, exclusively or principally pertaining to such functions.

SECTION 10. Section 9 of this act shall not be codified in the Oklahoma Statutes.

SECTION 11. This act shall become effective July 1, 1991.

SECTION 12. 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.

43-1-5895

KSM