

ENROLLED HOUSE
BILL NO. 2294

By: Adair of the House

and

Shurden and Bell of the
Senate

An Act relating to game and fish; authorizing the Department of Wildlife Conservation to sell advertising in certain publications or productions; requiring Wildlife Conservation Commission to promulgate rules for advertisements; amending Sections 4 and 5, Chapter 318, O.S.L. 1994 (29 O.S. Supp. 1995, Sections 4-103A and 4-103B), which relate to commercial turtle harvesting; modifying prohibition of taking turtles from waters of this state; authorizing the taking of turtles under certain circumstances; limiting certain nonresident licenses for certain circumstances; clarifying which turtles are subject to certain severance fee; amending 29 O.S. 1991, Section 6-401, which relates to operating provisions for minnow dealers; requiring minnow containers to be marked in certain manner; providing for codification; 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 3-314 of Title 29, unless there is created a duplication in numbering, reads as follows:

The Department of Wildlife Conservation may sell advertising in any Oklahoma Wildlife Conservation Commission-approved publication, media production or other informational material produced by the Department. The Oklahoma Wildlife Conservation Commission shall promulgate rules establishing criteria for accepting or using advertisements as authorized in this section.

SECTION 2. AMENDATORY Section 4, Chapter 318, O.S.L. 1994 (29 O.S. Supp. 1995, Section 4-103A), is amended to read as follows:

Section 4-103A. A. Except as otherwise provided by subsection B of this section, no person may take for commercial purposes, by the use of nets, traps, seines and other similar devices, turtles from this state without having first procured a commercial turtle harvester license from the Director.

B. ~~No~~ Any person having procured a commercial turtle harvester license, pursuant to subsection A of this section, may take for commercial purposes by any means, or assist in any such operations, turtles or aquatic turtles from any scenic river area waters of this state ~~as,~~ except from waters located within a city, town or municipality, and such areas are designated pursuant to Section 1452 of Title 82 of the Oklahoma Statutes ~~or from any major river channel specifically designated by rule by the Oklahoma Wildlife~~

~~Conservation Commission to be restricted from commercial turtle or aquatic turtle harvesting.~~

C. Prior to the issuance of each license, the applicant must file with the Director a true inventory of the equipment to be utilized in the operations of that turtle harvester. Such inventory shall be kept current. The inventory may be amended by filing a new inventory at any time.

D. The fee for a license under this section shall be Forty Dollars (\$40.00) for residents and Two Hundred Dollars (\$200.00) for nonresidents of the State of Oklahoma.

E. The Director shall not issue a commercial turtle harvester license to residents of any other state which does not allow residents of Oklahoma the opportunity to purchase such license in their state.

F. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

~~F.~~ G. Commercial turtle harvesters whose licenses have been revoked under subsection F of Section 4-101 of this title shall not engage in commercial turtle harvesting operations in any manner during such revocation.

SECTION 3. AMENDATORY Section 5, Chapter 318, O.S.L. 1994 (29 O.S. Supp. 1995, Section 4-103B), is amended to read as follows:

Section 4-103B. A. No person may buy, transport out of state or export aquatic turtles from this state without having first procured a commercial turtle buyer's license from the Director.

B. The fee for an annual license under this section shall be Two Hundred Dollars (\$200.00) for residents and Five Hundred Dollars (\$500.00) for nonresidents. Prior to the issuance of such license the applicant shall file with the Department a good and sufficient surety bond by a surety company licensed to do business in this state in the sum of One Thousand Dollars (\$1,000.00) conditioned upon the observance and compliance with the provisions of the Oklahoma Wildlife Conservation Code, which bond will be forfeited to the Department upon conviction for the violation of any provision of this section, or Section 4-101 or 5-602 of this title ~~or Section 15 of this act~~ or any rule of the Oklahoma Wildlife Conservation Commission.

C. The Director shall not issue a commercial turtle buyer's license to residents of any other state which does not allow residents of Oklahoma the opportunity to purchase such license in their state.

D. Any person who buys or exports aquatic turtles from this state shall pay the Department as a severance fee an amount equal to three percent (3%) of the dollar value of ~~purchased~~ purchased or received from licensed commercial turtle harvesters. The payment shall be computed from the purchase records completed and maintained by the licensee for each and every purchase made. Such purchase records along with the fee and an accurate report of all turtles exported from this state for each month shall be submitted to the Department by the fifteenth day of the following month. The Wildlife Commission shall issue such rules and reporting requirements governing the purchases and exports and shall design all forms necessary for the operation of these provisions.

~~D.~~ E. Any person convicted of violating any provision of this section shall be guilty of a misdemeanor punishable by a fine of not less than Five Hundred Dollars (\$500.00), nor more than One Thousand

Dollars (\$1,000.00), or by imprisonment not to exceed thirty (30) days, or by both fine and imprisonment. In addition, such person shall forfeit his license and not be permitted to renew the license for a one-year period.

SECTION 4. AMENDATORY 29 O.S. 1991, Section 6-401, is amended to read as follows:

Section 6-401. A. No person may seine, trap, transport and/or sell any minnows within this state without having a valid minnow dealer's license unless exempted under Section 4-116 of this title and without observing the following requirements:

1. No seines used for seining minnows may have a mesh larger than one-fourth (1/4) inch square, and no such seine shall be longer than seventy (70) feet in length~~;~~;

2. No licensee may employ more than four helpers or assistants in ~~his~~ seining and trapping operations, and each helper or assistant must possess a valid Oklahoma Fishing License~~;~~;

3. No dealer or ~~his~~ employees of the dealer may seine and trap in any river, stream or lake of Oklahoma without having first obtained written permission for such from the owners or tenants of the lands through which such waters flow or lie, and any written permit obtained by the dealer must be upon his person while being upon such lands~~;~~;

4. All vehicles used to transport minnows by a licensee in accordance with Sections 4-115 and 4-116 of this title must be equipped in such manner as to aerate the water in the containers by pressure methods and such vehicles or containers shall be marked conspicuously by decals bearing the inscription "Commercial Minnow Dealer", such decals to be furnished by the Department, to be placed on the center of each door or on the sides of the containers, and to be defaced in no manner~~;~~ and

5. All licensees shall send to the Department a true annual summary of all fish and other bait species captured.

B. Any person convicted of violating the provisions of this section shall be fined not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), or confined in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

SECTION 5. 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 23rd day of May, 1996.

Speaker of the House of
Representatives

Passed the Senate the 23rd day of May, 1996.

President of the Senate