ENROLLED SENATE
BILL NO. 196

By: Rabon of the Senate

and

Erwin of the House

An Act relating to game and fish; renaming the waterfowl refuge portion of the Hugo Oklahoma Wildlife Management Area as the Lyndol Fry Waterfowl Refuge; prohibiting the possession of certain amounts of certain paddlefish eggs; prohibiting the movement of paddlefish eggs into or out of the state; providing exception for paddlefish eggs in a certain state; providing exception for certain persons and for paddlefish eggs taken in a certain manner; providing an exception for certain packaged and processed products; providing a penalty; amending 29 O.S. 1991, Section 6-306, which relates to seizure and forfeiture of certain vehicles and equipment; adding certain section of law; 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 7-304.1 of Title 29, unless there is created a duplication in numbering, reads as follows:

The waterfowl refuge portion of the Hugo Oklahoma Wildlife Management Area shall be renamed as the Lyndol Fry Waterfowl Refuge.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-303.1 of Title 29, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided, no person may possess:

1. Fifty (50) pounds or more of raw unprocessed and unfrozen paddlefish eggs; or

2. Five (5) pounds or more of processed paddlefish eggs.

B. Except as otherwise provided, no person may ship into or out of, transport into or out of, have in possession with the intent to so transport, or cause to be removed from this state raw unprocessed or processed paddlefish eggs. This subsection shall not apply to paddlefish eggs that are in a solid, frozen state.

C. The provisions of this section shall not apply to:

1. The Director of the Department of Wildlife Conservation, employees of the Department of Wildlife Conservation or authorized agents of the Department who are acting pursuant to their duties;

2. Any paddlefish products which are derived from lawfully propagated fish licensed under rules promulgated by the Wildlife Conservation Commission;

3. Any paddlefish products to which the Director has given an individual specific written authority to transport the product into or out of the state; and

4. Any processed and packaged paddlefish products imported into the state if accompanied by an invoice stating the point of origination of the paddlefish product.

D. Any person convicted of violating the provisions of this section shall be punished by the imposition of a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a period not to exceed ninety (90) days, or by confiscation of any equipment used in violation of this section pursuant to the provisions of Section 7-206 of this title, or by a combination of fine, imprisonment and confiscation. In addition, all fishing licenses and all fishing privileges within the state held by a person convicted of violating the provisions of this section shall be revoked for a period of one (1) year from the date of conviction.

SECTION 3. AMENDATORY 29 O.S. 1991, Section 6-306, is amended to read as follows:

Section 6-306. A. Any boat or vessel, boat trailer, motor, fishing device, vehicle, or equipment used or operated in violation of the provisions of Section 2 of this act, Section 6-301a, subsection A of Section 6-302, paragraph 2 of subsection A of Section 6-303 or Section 4-129 of this title or as otherwise provided by the Oklahoma Wildlife Conservation Code shall be subject to immediate seizure pursuant to Section 7-206 of this title by any game warden, sheriff, deputy sheriff, or other peace officer and held as evidence until a forfeiture has been declared or release ordered.

B. Upon conviction for a violation of the provisions of Section 2 of this act, Section 6-301a, subsection A of Section 6-302, paragraph 2 of subsection A of Section 6-303 or Section 4-129 of this title, any such items, equipment or vehicles used or operated in such violation, shall be subject to forfeiture proceedings pursuant to Section 7-206 of this title brought for such purpose by the district attorney in the county where such items, equipment or vehicles are seized. Such items, equipment and vehicles shall be subject to mandatory forfeiture if said violation occurred within two (2) years of a previous conviction of said person for violating the provisions specified in this section.

SECTION 4. 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.