

CS for SB 447

THE STATE SENATE  
Tuesday, February 16, 1999

Committee Substitute for  
Senate Bill No. 447

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 447 - By: MADDOX of the Senate and ADAIR of the House.

An Act relating to game and fish; amending 29 O.S. 1991, Section 6-302, as last amended by Section 8, Chapter 214, O.S.L. 1993 (29 O.S. Supp. 1998, Section 6-302), which relates to the taking of game fish; limiting the number of fishing apparatus which may be used in certain area; authorizing the use of certain boats in specific part of the Illinois River; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 29 O.S. 1991, Section 6-302, as last amended by Section 8, Chapter 214, O.S.L. 1993 (29 O.S. Supp. 1998, Section 6-302), is amended to read as follows:

Section 6-302. A. No person may take, kill or catch from any river, creek, lake, state pond or privately owned pond which is stocked by state or federal fish hatchery any game fish except by means of hook and line attached to a pole or rod, throwline, trotline or with speargun used by divers equipped with self-contained underwater breathing apparatus, except for white bass which may be taken by the use of a gig; nor may any person sell, offer to sell or have in possession for the purpose of selling any game fish. Game species open to taking by speargun include all except black bass, crappie, striped bass, walleye, northern pike and

1 trout. Upon receiving information that damage to the fish  
2 population is occurring in any of the waters of this state, the  
3 Wildlife Conservation Commission shall give notice and hold a  
4 hearing to determine such fact and may, upon good cause shown,  
5 regulate the taking of fish to any extent necessary to protect fish  
6 in said waters of this state.

7 B. Fish taken under the above subsection shall be in accordance  
8 with the method of taking, length limits and bag limits which shall  
9 be set by Commission resolution. Except in areas specifically  
10 restricted in rules promulgated by the Oklahoma Wildlife  
11 Conservation Commission, the Commission may not promulgate any rule  
12 restricting a person to using less than seven rods while fishing.

13 C. No nonresident may have ~~in his possession~~ upon leaving the  
14 state more than a two-day bag limit of any species of game fish.

15 D. It shall be unlawful for any person to use in the waters of  
16 this state a speargun having more than three points with more than  
17 two barbs on each point.

18 E. 1. The portions of the Illinois River and its tributaries  
19 above the Horseshoe Bend Boat Ramp on Tenkiller Reservoir shall be  
20 open for the taking of nongame fish and white bass by gigging from  
21 December 1 through March 1 of each year. The portions of the  
22 Illinois River and its tributaries above Highway 62 and Highway 51

1 shall be open for the taking of nongame fish and white bass by  
2 gigging from December 1 through March 31 of each year.

3 2. Nothing shall prohibit motorized boats from being used in  
4 the upper Illinois River from Horseshoe Bend boat ramp upstream to  
5 the mouth of Barren Fork Creek, except that jet skis, jet boats and  
6 similar non-propeller-driven watercraft are prohibited in this area.

7 F. 1. Except as otherwise provided for in this subsection, any  
8 person convicted of violating any of the provisions of this section  
9 shall be punished by a fine of not less than Twenty-five Dollars  
10 (\$25.00) nor more than One Hundred Dollars (\$100.00).

11 2. Any person convicted of violating any provisions of this  
12 section by netting, snaglining or selling game fish shall be  
13 punished by imposition of a fine of not less than One Hundred  
14 Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or  
15 by imprisonment in the county jail for a period not to exceed thirty  
16 (30) days, or by both such fine and imprisonment. Any person, upon  
17 conviction of a second or subsequent violation of the provisions of  
18 this section by netting, snaglining or selling game fish when said  
19 violation occurred within two (2) years of a previous conviction for  
20 violating said provisions, shall be punished by a fine of not less  
21 than Five Hundred Dollars (\$500.00) nor more than One Thousand  
22 Dollars (\$1,000.00), or by imprisonment in the county jail for a  
23 period not to exceed ninety (90) days, or by both such fine and

1 imprisonment. In addition, all fishing licenses and fishing  
2 privileges within the state of such person shall be revoked for a  
3 period of one (1) year from the date of such conviction.

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

8 COMMITTEE REPORT BY: COMMITTEE ON WILDLIFE, dated 2-9-99 - DO PASS,  
9 As Amended and Coauthored.