

ENGROSSED HOUSE AMENDMENT  
TO  
ENGROSSED SENATE BILL NO. 920

By: Martin of the Senate

and

Roan of the House

[ agriculture - procure license - stating parameters -  
authorize inspections -  
effective date ]

AUTHORS: Add the following House Coauthors: Hilliard and Matlock

AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
entire bill and insert

“( Agriculture - procure license - stating parameters -  
authorize inspections -  
effective date )

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 6-311 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  
catfish, minnows, fingerlings, fish, frogs, or other aquatic species  
without having first procured a license from the State Board of  
Agriculture.

B. The initial fee for a license issued pursuant to the  
provisions of this section, and the annual 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, in the production of a particular aquatic species and

in compliance with the provisions of this act and rules promulgated thereto.

D. Nothing in this act shall be construed to authorize the importation or exportation of minnows and other fish species that are subject to the provisions of Sections 4-105, 4-115, and 7-602 of Title 29 of the Oklahoma Statutes.

E. No license shall be issued by the Department of Agriculture pursuant to the provisions of this section for any restricted aquatic species designated by rules promulgated by the Oklahoma Wildlife Conservation Commission.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-312 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. The Department of Agriculture may provide technical assistance to persons legally engaged in the private commercial production of catfish, minnows, fingerlings, fish, frogs and other aquatic species pursuant to the provisions of this act. Such technical assistance shall be limited to recommendations and in no instance shall the Department provide any assistance or any funds to effectuate or implement such recommendations.

B. Reasonable fees, as determined by the State Board of Agriculture, may be charged by the Department for salary, expenses, and supplies of Department employees providing technical assistance.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-313 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. All catfish, minnows, fingerlings, fish, frogs, and other aquatic species which are legally produced, pursuant to the provisions of this act, shall be confined to the lands and waters of the licensee in such a manner so as to prohibit:

1. Contact with wild fish or other aquatic species in public waters; and

2. Such wild fish or other aquatic species in public waters from becoming a part of the commercial production.

B. 1. Except as otherwise provided by this subsection, the Department of Agriculture shall not restrict the manner in which persons, licensed pursuant to this act, gather or impound aquatic species raised within the impoundments in their commercial operations.

2. No person shall sell or attempt to sell game fish and/or paddlefish obtained from public waters that have been commingled with privately produced fish subject to the provisions of this act.

C. No licensee may receive, free of charge, any catfish, minnow, fingerling, fish, frog or other aquatic species from the state or federal government.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-314 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. 1. a. Any duly authorized representative of the Department of Agriculture shall have the power to inspect, at reasonable times, records, facilities and operations of any person engaging in the commercial production of catfish, minnows, fingerlings, fish, frogs and other aquatic species in order to determine whether or not diseased species, that could cause such species to contaminate wild fish, exist in the impoundments.

b. If diseased conditions exist, the Department of Agriculture may require the removal or the treatment of the diseased species to prevent contamination of wild fish.

2. Any duly authorized representative of the Department of Wildlife Conservation shall have the power to inspect, at reasonable times, records, facilities and operations of any person engaging in the commercial production of catfish, minnows, fingerlings, fish, frogs and other aquatic species in order to determine if the

commercial operation is in compliance with the Oklahoma Wildlife Conservation Code and rules promulgated thereto. Any person found or alleged to be in violation of the Oklahoma Wildlife Conservation Code or rules promulgated thereto shall be subject to the provisions of the Oklahoma Wildlife Code.

B. A licensee shall be present during any inspection authorized pursuant to the provisions of this section. In addition, the licensee shall cooperate with the Department of Agriculture and the Department of Wildlife Conservation in performing their duties pursuant to the provisions of this act.

C. Any licensee subject to the provisions of this act shall submit to the Department of Agriculture an annual summary of the number of catfish, minnows, fingerlings, fish, frogs, and other aquatic species produced and marketed by the commercial operation and any other information as requested by the Department. The summary shall be submitted to the Department at such time and in such manner as is required by the Department.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-315 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. 1. Each vehicle used to transport private commercially produced catfish, minnows, fingerlings, fish, frogs or other aquatic species shall be marked conspicuously by decals bearing the inscription "Aquatic Culture".

2. The decals shall be located on each side of the hauling unit.

B. The decals shall be furnished by the Department of Agriculture at a reasonable cost per decal payable by the owner of the vehicle hauling the aquatic species.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-316 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. 1. All persons applying for a license to commercially produce catfish, minnows, fingerlings, fish, frogs or other aquatic species pursuant to the provisions of this act shall produce positive proof of:

- a. identification including, but not limited to, a valid Oklahoma driver license of the applicant,
- b. age, and
- c. residency.

2. It shall be unlawful for any person to make a false statement or to give any false information in order to acquire a license, pursuant to the provisions of this act.

B. Any license issued by the Department of Agriculture pursuant to this act shall contain the data required by subsection A of this section as well as the date and time of issuance of the license.

C. 1. All licenses issued by the Department pursuant to this act shall be nontransferable.

2. No person shall alter, change, lend or transfer any such license. No person shall use, loan or borrow a license which has not been issued to that person by the Department of Agriculture.

D. All licenses issued pursuant to this act shall terminate December 31 for the year issued.

E. The Department may issue a duplicate license at a reasonable cost for a commercial operation if such license is lost or destroyed.

F. 1. A license for engaging in a private commercial operation subject to the provisions of this act may be revoked for a period of not less than one (1) year upon the conviction of the licensee for violating any provision of this act or rules promulgated thereto by the Department of Agriculture in accordance with rules promulgated by the State Board of Agriculture or by a court of competent jurisdiction.

2. For purposes of this subsection, a court conviction, a plea of guilty, a plea of nolo contendere, the imposition of a deferred or

suspended sentence by a court, or forfeiture of bond shall be deemed a conviction.

3. Any person who has had a license to engage in private commercial operations pursuant to this act shall not be entitled to reapply for such license until the revocation period has expired or the person has obtained approval of the Department of Agriculture to reapply for the license.

4. It shall be unlawful for any person to engage in a private commercial operation subject to the provisions of this act after revocation of his or her license. Upon conviction of engaging in a commercial operation after revocation of a license, such person shall not be entitled to obtain a license pursuant to this act for a two-year period after conviction.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-317 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. Any person convicted of violating any of the provisions of this act shall be guilty of a misdemeanor.

B. Any violations of the Oklahoma Wildlife Conservation Code shall be under the jurisdiction of the Oklahoma Wildlife Conservation Commission.

SECTION 8. REPEALER 29 O.S. 2001, Sections 4-102, 6-101, 6-102, 6-103, 6-104 and 6-105, are hereby repealed.

SECTION 9. This act shall become effective November 1, 2002."

Passed the House of Representatives the 10th day of April, 2002.

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Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2002.

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Presiding Officer of the Senate