

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 920

By: Martin

AS INTRODUCED

An Act relating to agriculture; requiring certain persons engaged in the private commercial production of certain fish to procure a license; setting fee; stating parameters for renewal of license; providing for construction; authorizing the State Department of Agriculture to provide certain technical assistance; authorizing fees; requiring certain fish to be confined to lands and waters of the propagator; providing for the gathering or impounding of certain species; prohibiting the sale or attempted sale of certain fish; prohibiting propagators from receiving free species furnished by the state or federal government; authorizing the Oklahoma Department of Agriculture to inspect certain operations; stating conditions for removal or treatment of certain species; requiring propagators to provide certain information as requested by the Department; stating requirements for application of certain licenses; stating parameters for license usage; stating violations; setting penalties and fines; authorizing revocation of certain license by the State Department of Agriculture; repealing 29 O.S. 2001, Sections 4-102, 6-101, 6-102, and 6-103, which relate to aquaculture, aquaculture license, technical assistance, confinement and separation from wild species and inspections and reporting; providing for codification; and providing an 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 water species without having first procured a license from the State Board of Agriculture.

B. The initial fee for a license under this section, and the annual fee for the renewal of this 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 that are provided for specifically in Sections 4-105, 4-115, and 7-602 of Title 29 of the Oklahoma Statutes.

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:

The State Department of Agriculture is hereby authorized to provide technical assistance for all persons lawfully engaged in commercial operations, the technical assistance to be through recommendations, and in no instance may 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 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 water species commercially produced shall be confined to the lands and waters of the propagator in a 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 that 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 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. The State Department of Agriculture shall have the right at intervals to inspect the operations carried on by commercial propagators, so as to determine whether or not diseased species, which would cause the 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 the 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 catfish, minnows, fingerlings, fish, frogs, and other aquatic species produced and marketed and any other information as requested 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. All persons making application for any licenses required by this act shall produce a valid license to operate a motor vehicle or other positive proof of identification, age and residency, and any such license issued shall show such data as well as the date and time of issuance.

B. All licenses are nontransferable. No person shall alter, change, lend or transfer any license. No person shall use or borrow a license which has not been issued to that person by the

Commissioner of the State Department of Agriculture, the State Department of Agriculture or by any of its agents pursuant to the provisions of this section.

1. All licenses issued pursuant to this act shall terminate December 31 for the year issued; and

2. Any person convicted of violating any of the provisions of this act may have any or all licenses held by that person or the privilege of applying for, purchasing or exercising the benefits conferred by the licenses revoked by the State Department of Agriculture in accordance with rules promulgated by the State Board of Agriculture or by a court of competent jurisdiction for a period of not less than one (1) year. For purposes of this paragraph, 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.

C. Should licenses provided under Section 1 of this act be lost or destroyed, duplicates will be issued by the Department at a fee of One Dollar and fifty cents (\$1.50).

D. Any person convicted of violating the provisions of this section or of making a false statement or giving any false information in order to acquire any license or permit, pursuant to the provisions of this section, shall be punishable 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.

E. Any person who has had license privileges revoked shall not be entitled to purchase, apply for, or exercise the benefits conferred by any license until the revocation period has expired or the person has obtained approval from the Commissioner of the State Department of Agriculture. Any person violating the provisions of this subsection, upon conviction, shall be punished by a fine of not

more than Five Hundred Dollars (\$500.00), or by imprisonment in a county jail for a term of not more than ninety (90) days or by both the fine and imprisonment. Upon conviction under this subsection, the previously granted license revocation period shall be extended by two (2) additional years.

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:

Any person violating any of the provisions of Sections 1 through 4 of this act shall be guilty of a misdemeanor and, unless otherwise provided for by this act, shall, upon conviction, be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00).

SECTION 7. REPEALER 29 O.S. 2001, Sections 4-102, 6-101, 6-102, and 6-103, are hereby repealed.

SECTION 8. This act shall become effective November 1, 2002.

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