

EHB 3365

THE STATE SENATE
Monday, March 31, 2008

ENGROSSED

House Bill No. 3365

ENGROSSED HOUSE BILL NO. 3365 - By: McNiel of the House and Ford of the Senate.

An Act relating to game and fish; amending 29 O.S. 2001, Section 6-303.1, which relates to possession and transportation of paddlefish eggs; modifying restrictions for possession of paddlefish eggs; making transportation restriction apply to frozen paddlefish eggs; prohibiting transportation of paddlefish with viscera out of state; increasing penalties; and declaring an emergency.

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

SECTION 1. AMENDATORY 29 O.S. 2001, Section 6-303.1, is amended to read as follows:

Section 6-303.1 A. Except as otherwise provided, no person ~~may~~ shall possess:

1. ~~Fifty (50) pounds or more of raw unprocessed and unfrozen paddlefish~~ The eggs of more than one paddlefish that are still attached to the egg membrane; or

2. ~~Five (5) More than three (3) pounds or more combined of processed paddlefish eggs or fresh paddlefish eggs that have been removed from the egg membrane.~~

B. Except as otherwise provided, no person ~~may~~ shall 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

1 unprocessed ~~or~~, processed, or frozen paddlefish eggs. ~~This~~
2 ~~subsection~~ No person shall ~~not apply to~~ transport paddlefish eggs
3 ~~that are in a solid, frozen~~ with viscera out of the state.

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

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

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

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

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

17 D. Any person convicted of violating the provisions of this
18 section shall be punished by the imposition of a fine of not less
19 than ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars
20 (\$1,000.00) nor more than ~~One Thousand Dollars (\$1,000.00)~~ Ten
21 Thousand Dollars (\$10,000.00) for the first offense and not less
22 than Two Thousand Dollars (\$2,000.00) nor more than Twenty-five
23 Thousand Dollars (\$25,000.00) for a second offense, or by

1 imprisonment in the county jail for a period not to exceed ~~ninety~~
2 ~~(90) days~~ one (1) year, or by confiscation of any equipment used in
3 violation of this section pursuant to the provisions of Section 7-
4 206 of this title, or by a combination of fine, imprisonment and
5 confiscation. In addition, all fishing licenses and all fishing
6 privileges within the state held by a person convicted of violating
7 the provisions of this section shall be revoked for a period of not
8 less than one (1) year from the date of conviction.

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

13 COMMITTEE REPORT BY: COMMITTEE ON TOURISM & WILDLIFE, dated 3-27-08
14 - DO PASS.