

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL NO. 248

By: Ford and Sweeden of the  
Senate

6 and

7 Sears of the House

8  
9 COMMITTEE SUBSTITUTE

10 An Act relating to game and fish; amending 29 O.S.  
11 2001, Section 7-101, which relates to dams  
12 constructed by the United States; clarifying  
13 language; modifying exception to certain  
14 prohibitions; adding certain lakes to exception;  
15 deleting obsolete language; providing an effective  
16 date; and declaring an emergency.

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

18 SECTION 1. AMENDATORY 29 O.S. 2001, Section 7-101, is  
19 amended to read as follows:

20 Section 7-101. A. ~~No~~ Except as otherwise provided for in  
21 subsection E of this section, no person shall enter, swim, wade,  
22 operate a boat or operate or float any floating device in any safety  
23 zone as defined in Section 2-139 of this title. This provision

1 shall not be construed to prohibit fishing from the bank or shore  
2 when otherwise lawful.

3 B. The Oklahoma Department of Wildlife Conservation shall have  
4 the authority to maintain buoy lines, cable nets or any other device  
5 which it may find necessary to keep persons, boats or floating  
6 devices out of the safety zone and shall have authority to erect  
7 signs or other warning devices to mark the existence and extent of  
8 safety zones. The Department shall be exempt from any penalty  
9 should it fail to comply with this provision.

10 C. In all water bounded by a turbine outlet, a continuous  
11 warning signal by means of a horn shall be sounded for a period of  
12 five (5) minutes prior to the opening of the ~~dam's~~ gates of the dam  
13 and the releasing of water through the same, in order that the  
14 public shall have notice thereof.

15 D. Subsections A and B of this section shall not be applicable  
16 to the waters below any particular dam when, and to the extent that,  
17 such application would be in conflict with the laws of the United  
18 States or valid rules and regulations promulgated thereunder.  
19 Further, the lack of any ~~such~~ line, net, device or sign, pursuant to  
20 subsection B of this section, shall not prevent a violation of  
21 subsection A from taking effect.

22 E. ~~This~~ The provisions of this section shall apply to the  
23 safety zone below all federal dams with the exception of.  
24 Notwithstanding the provisions of subsection A of this section,

1 persons may enter and wade in the safety zone below the dams on the  
2 Salt Plains Lake, Tenkiller Lake, Fort Supply Lake, Copan Lake,  
3 Hulah Lake, and Canton Lake.

4 F. Any person convicted of violating the provisions of this  
5 section shall be punished by ~~the imposition of~~ a fine of not less  
6 than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00), or  
7 by imprisonment in the county jail ~~for a period not to exceed~~ not  
8 exceeding thirty (30) days, or ~~by~~ both ~~said~~ such fine and  
9 imprisonment.

10 SECTION 2. This act shall become effective July 1, 2009.

11 SECTION 3. It being immediately necessary for the preservation  
12 of the public peace, health and safety, an emergency is hereby  
13 declared to exist, by reason whereof this act shall take effect and  
14 be in full force from and after its passage and approval.

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16 52-1-7439 KB 03/25/09

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