

05/17/2012 09:09:16 AM

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2198

By: Vaughan of the House and Wyrick of the Senate

Title: Game and fish; adding penalty for taking, possessing or transporting certain paddlefish products with certain value.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from Amendment No. 1; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

HOUSE CONFEREES

Armes Don F. Armes

Jackson Mike Jackson

McDaniel (Curtis) Curtis McDaniel

Morgan Danny Morgan

Osborn Lennie Osborn

Peters _____

Proctor _____

Renegar Bill Renegar

Richardson Phil Richardson

Rousselot Wade Rousselot

Russ Joe Russ

Trebilcock _____

Vaughan Steve Van

HB2198 CCR B

SENATE CONFEREES

Ballenger

[Handwritten signature]

Branan

Brinkley

[Handwritten signature]

Burrage

[Handwritten signature]

Crain

[Handwritten signature]

David

[Handwritten signature]

Ford

[Handwritten signature]

Griffin

[Handwritten signature]

Halligan

[Handwritten signature]

Ivester

[Handwritten signature]

Jolley

[Handwritten signature]

Justice

[Handwritten signature]

Marlatt

Mazzei

McAffrey

[Handwritten signature]

Newberry

[Handwritten signature]

Nichols

Paddack

[Handwritten signature]

Stanislowski

[Handwritten signature]

Sykes

Wilson

[Handwritten signature]

Wyrick

[Handwritten signature]

House Action _____ Date _____ Senate Action _____ Date _____

House Action _____ Date _____ Senate Action _____ Date _____

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2198

By: Vaughan of the House

and

Wyrick of the Senate

7
8
9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to game and fish; amending 29 O.S.
11 2011, Section 6-303.1, which relates to possession of
12 paddlefish eggs; adding penalty for taking,
13 possessing or transporting certain paddlefish
14 products with certain value; providing for the
15 seizure and sale of certain property; specifying the
16 use of proceeds from the sale of certain property;
17 and clarifying language.

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

19 SECTION 1. AMENDATORY 29 O.S. 2011, Section 6-303.1, is
20 amended to read as follows:

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

23 1. The eggs of more than one paddlefish that are still attached
24 to the egg membrane; or

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

4 B. Except as otherwise provided, no person shall ship into or
5 out of, transport into or out of, have in possession with the intent
6 to so transport, or cause to be removed from this state raw
7 unprocessed, processed, or frozen paddlefish eggs. No person shall
8 transport paddlefish with viscera out of the state.

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

10 1. The Director of the Department of Wildlife Conservation,
11 employees of the Department of Wildlife Conservation or authorized
12 agents of the Department who are acting pursuant to their duties;

13 2. Any paddlefish products which are derived from lawfully
14 propagated fish licensed under rules promulgated by the Wildlife
15 Conservation Commission;

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

19 4. Any processed and packaged paddlefish products imported into
20 the state if accompanied by an invoice stating the point of
21 origination of the paddlefish product.

22 D. Any person convicted of violating the provisions of this
23 section shall be punished by the imposition of a fine of not less
24 than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand

1 Dollars (\$10,000.00) for the first offense and not less than Two
2 Thousand Dollars (\$2,000.00) nor more than Twenty-five Thousand
3 Dollars (\$25,000.00) for a second offense, or by imprisonment in the
4 county jail for a period not to exceed one (1) year, or by
5 confiscation of any equipment used in violation of this section
6 pursuant to the provisions of Section 7-206 of this title, or by a
7 combination of fine, imprisonment and confiscation.

8 E. In addition to other penalties provided for in this section,
9 any person convicted of taking, possessing or transporting, or
10 acting as an accessory in taking, possessing or transporting,
11 processed or unprocessed paddlefish products with a current market
12 value exceeding Five Thousand Dollars (\$5,000.00) shall upon
13 conviction be guilty of a misdemeanor punishable by a fine of not
14 less than Five Thousand Dollars (\$5,000.00) nor more than Twenty-
15 five Thousand Dollars (\$25,000.00), or by imprisonment in the county
16 jail for a period not to exceed one (1) year, or by both such fine
17 and imprisonment. In addition to the fine and imprisonment provided
18 for in this subsection, any item, equipment, vehicle or other
19 property which is used or operated in violation of this section
20 shall be seized and may be sold pursuant to the provisions of
21 Section 7-206 of this title. The proceeds of the sale of any item,
22 equipment, vehicle or property that is distributed to the Department
23 of Wildlife Conservation shall be used by the Department to combat
24 the unlawful taking and possession of paddlefish in this state.

1 F. In addition to other penalties provided for in this section,
2 all fishing licenses and all fishing privileges within the state
3 held by a person convicted of violating the provisions of this
4 section shall be revoked for a period of not less than one (1) year
5 from the date of conviction.

6
7 53-2-10490 KB 05/10/12

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24