

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 998

BY: KERR

AS INTRODUCED

AN ACT RELATING TO AGRICULTURE; AUTHORIZING STATE DEPARTMENT OF AGRICULTURE TO PURCHASE INSURANCE FOR LIMITED PURPOSES; REQUIRING PAYMENT FOR CERTAIN DAMAGES BY INSURER; PROHIBITING ACTION FOR DAMAGES AGAINST THE DEPARTMENT OF AGRICULTURE AND THE STATE; PROVIDING FOR CODIFICATION; AND DECLARING AN EMERGENCY.

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 6-107 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. The State Department of Agriculture is hereby authorized to purchase insurance to indemnify livestock producers and owners against accidental losses to livestock injured or killed when such losses occur as a result of or during the brucellosis testing and vaccination programs conducted by personnel authorized by the Department.

B. The brucellosis testing and vaccination programs conducted by the Department of Agriculture is hereby declared to be a public

governmental function, and no action for damages shall be brought against the Department or the State of Oklahoma under the provisions of this act but may be brought against the insurer, and the amount of the damages recoverable shall be limited in the amount to that provided in the contract of insurance between the Department and the insurer and shall be collectable from said insurer only. The provisions of this act shall not be construed as creating any liability whatever against the Department or the state.

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

43-2-1759

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