

ENROLLED HOUSE  
BILL NO. 1922

By: Leist, Widener and Reese  
of the House

and

Williams (Don), Helton,  
Price and Capps of the  
Senate

An Act relating to agriculture, environment and natural resources; amending 2 O.S. 1991, Section 9-204, which relates to the Oklahoma Feed Yards Act; creating a rule advisory committee; providing for membership; stating terms; designating Department of Agriculture as an official environmental agency for certain pollution; authorizing and directing Department of Agriculture to seek certain delegation from the Environmental Protection Agency; amending 63 O.S. 1991, Section 1-1301.5, as amended by Section 8 of Enrolled House Bill No. 1916 of the 2nd Session of the 44th Oklahoma Legislature and as renumbered by Section 30 of Enrolled House Bill No. 1916 of the 2nd Session of the 44th Oklahoma Legislature, which relates to powers and duties of Commissioner of Agriculture; modifying powers and duties; providing a designation for the Oklahoma State Department of Agriculture; authorizing certain contracts; amending 68 O.S. 1991, Section 1352.1, which relates to certain definitions for Oklahoma Sales Tax Code; modifying definition; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 2 O.S. 1991, Section 9-204, is amended to read as follows:

Section 9-204. The State Board of Agriculture shall appoint five persons who are feed yards operators, and a rule advisory committee who, without compensation, shall act as advisors to the Board in the formulation of the rules ~~and regulations~~ promulgated ~~under this act~~ pursuant to the Oklahoma Feed Yards Act. Six members shall be feed yard operators; one member shall represent the field of geology; one member shall be a soil scientist; and one member shall represent the general public. One Two shall serve for a one-year term; two three shall serve for two-year terms; and two four shall serve for three-year terms. Upon reappointment for the one-year term terms and the two-year term terms herein created, all appointments shall be for a three-year term. All advisors shall serve in such capacity during said term at the pleasure of the Board.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-3-102 of Title 27A, unless there is created a duplication in numbering, reads as follows:

The Department of Agriculture is hereby designated as an official environmental regulatory agency for agricultural point source and non-point source pollution within its jurisdiction as specified in subsection D of Section 1-3-101 of Title 27A of the Oklahoma Statutes. The Department is hereby authorized and directed to seek delegation from the Environmental Protection Agency (EPA) to administer any and all of the National Pollution Discharge Elimination System (NPDES) programs for agricultural point and non-point source discharges within its specified jurisdiction.

SECTION 3. AMENDATORY 63 O.S. 1991, Section 1-1301.5, as amended by Section 8 of Enrolled House Bill No. 1916 of the 2nd Session of the 44th Oklahoma Legislature and renumbered by Section 30 of Enrolled House Bill No. 1916 of the 2nd Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 1-1301.5 The Commissioner shall have the power and duty to:

1. Administer and supervise the enforcement of the Oklahoma Milk and Milk Products Act;
2. Provide for such periodic inspection and investigation as deemed necessary to determine compliance with the Oklahoma Milk and Milk Products Act and to make a record of each inspection on a form to be approved by the Board. Every milk producer, milk hauler, milk processor or milk distributor engaged in producing, hauling, processing or distributing of milk and milk products shall, upon request, according to law, permit access of the Commissioner to all areas of his establishment, during reasonable hours, to so evaluate compliance with the provisions of the Oklahoma Milk and Milk Products Act;
3. Secure and analyze samples of milk and milk products from any milk producer, milk hauler, milk processor or milk distributor; provided that milk and milk products packaged for retail sale to consumers may not be taken without first paying or offering to pay for such sample;
4. Prohibit the producing, processing and sale of adulterated milk and milk products;
5. Receive and investigate complaints;
6. Issue permits to the owner or operator of dairy farms, milk haulers, milk plants, milk distribution centers and receiving or transfer stations to engage in the producing, hauling, processing or distributing of milk and milk products upon receipt of permit applications therefor and upon determining that such facilities are in compliance with the Oklahoma Milk and Milk Products Act and to modify, suspend or revoke such permits for the producing, hauling, processing or distributing of milk and milk products in accordance with the Oklahoma Milk and Milk Products Act;
7. Maintain, as public records, laboratory reports of samples collected by the Commissioner, listings of permits issued, modified, suspended and revoked;
8. Require submission of and to timely review and approve, prior to commencement of work, plans, specifications and other information relative to the construction, reconstruction or alteration of milk and milk product facilities;
9. Examine, for official use only, true statements of the actual quantities of milk and milk products purchased and sold; lists of all sources of milk and milk products; and records of cleaning, tests and pasteurization times and temperatures of appropriate facilities; and

10. Examine and approve laboratories to conduct those analyses required by the Oklahoma Milk and Milk Products Act; and

~~11. Inspect, sample and issue permits for the retail operation of soft-serve ice cream machines.~~

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-421 of Title 2, unless there is created a duplication in numbering, reads as follows:

The Oklahoma State Department of Agriculture is hereby designated as the official state agency of this state for purposes of cooperating with and implementing the dairy inspection and grading program under the jurisdiction of the United States Department of Agriculture.

SECTION 5. AMENDATORY 68 O.S. 1991, Section 1352.1, is amended to read as follows:

Section 1352.1 As used in the Oklahoma Sales Tax Code, ~~Section 1350 et seq. of Title 68 of the Oklahoma Statutes,~~ the terms "farm", "farming" ~~and~~, "farming operation", "agricultural production" and "production of agricultural products" shall be deemed to include the planting, growing, cultivation and harvesting of shrubs, flowers, trees and other plants for sale in the wholesale division of a nursery operation and the planting, growing, cultivation and harvesting of sod by commercial growers of sod.

SECTION 6. 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.

Passed the House of Representatives the 20th day of May, 1994.

Speaker of the House of  
Representatives

Passed the Senate the 23rd day of May, 1994.

President of the Senate