

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1235

By: Leist

AS INTRODUCED

An Act relating to agriculture; amending 2 O.S. 1991, Section 2-4, which relates to powers of the State Board of Agriculture; clarifying and removing obsolete language; and declaring an emergency.

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

SECTION 1. AMENDATORY 2 O.S. 1991, Section 2-4, is amended to read as follows:

Section 2-4. The State Board of Agriculture shall have the following powers, which shall be in addition to those given in other parts of this Code:

~~(a)~~ 1. Adopt and prescribe the use of a seal, which shall be in the custody of the Secretary of the Board;

~~(b)~~ 2. Adopt such rules ~~and regulations~~ and grades and standards, as by the Board shall be deemed necessary, expedient or appropriate to the performance, enforcement or carrying out of any of the purposes, objectives, or provisions of this Code;

~~(c)~~ 3. Initiate and prosecute civil or criminal actions and proceedings when deemed necessary to enforce or carry out any of the provisions of this Code;

~~(d)~~ 4. Appoint authorized agents to make inspections or investigations and to perform other services for the Board or any division of the State Department of Agriculture;

~~(e)~~ 5. Consolidate any of the divisions established by this Code or transfer any of the functions or activities thereof to another division, place additional functions or activities in a division, establish new divisions, and create new or additional positions in the Department, when deemed conducive to a more efficient administration and enforcement of laws pertaining to agriculture;

~~(f)~~ 6. Sell, exchange or otherwise dispose of property that has been acquired by the State Department of Agriculture, when such property becomes obsolete or is no longer needed by the Department;

~~(g)~~ 7. Have jurisdiction over all matters affecting animal industry and animal quarantine regulation;

~~(h)~~ 8. Issue stop-sale orders and quarantine regulations;

~~(i)~~ 9. Employ, appoint or contract with and fix the duties and compensation of the director of each division of the Department and such technicians, inspectors, stenographers, clerks, aides, supervisors, investigators, attorneys and other personnel and help, either on a full-time, part-time or contractual basis, as in the judgment and discretion of the Board shall be deemed necessary, expedient or appropriate to the performance or carrying out of any of the purposes, objectives or provisions of this Code;

~~(j)~~ 10. Fix the qualifications of the personnel in the State Department of Agriculture, and require any official or employee of the State Department of Agriculture to furnish a bond for the faithful performance of duty, or for the faithful accounting of public funds coming into his hands, or for any other purpose, and the premium on any such bond shall be paid from funds that are available for the operation of the State Department of Agriculture;

~~(k)~~ 11. Accept and use, for any purpose designated, and on the terms and conditions thereof, grants of money and other property from the federal government or any department or agency thereof and from any state or state agency and from any other source;

~~(l)~~ 12. Enter into cooperative agreements with the federal government or any state, or any department or agency of either;

~~(m)~~ 13. Coordinate the various activities of the Department with those of the federal government and other states on matters pertaining to agriculture, and enter into agreements for such purpose;

~~(n)~~ 14. Revoke, or suspend for any period up to one (1) year, any license issued by the Board or any division of the Department, when the Board finds that the holder of such license has violated any of the provisions of this Code or any rule ~~or regulation~~ of the Board, ~~but the Board shall first afford the holder an opportunity to show cause why the license should not be revoked or suspended, notice of such opportunity to be given by registered United States mail to the holder of such license;~~

~~(o)~~ 15. Adopt a master plan and rules and regulations for the protection of both state-owned and private forestry, grazing and other lands from damage by fire and for suppressing fires on such lands. In carrying out said master plan the Board is hereby authorized to enter into contractual agreements with the federal government, local political subdivisions of the state and with individuals, private organizations, companies and corporations for protection from and for the suppression of such fires and for such purposes to expend funds as may be available for such services. To effectuate the purposes of this act, the Board is hereby authorized to enter into contractual agreements with private landowners for such protection and suppression of fires; provided, however, that such private landowners shall reimburse the Board for actual

expenses incurred in the protection and suppression of fires on privately owned lands, pursuant to this act; and

~~(p)~~ 16. Have jurisdiction over all matters affecting agriculture as contained and set out in ~~Title 2 of the Oklahoma Statutes~~ this title, which have not been expressly delegated to another state agency.

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.

44-1-5176

KSM