ENGROSSED HOUSE
CONCURRENT
RESOLUTION NO. 1123

By: Matlock, Beutler and Erwin of the House

and

Long (Lewis) of the Senate

A Concurrent Resolution disapproving permanent rules OAC 35:15-15-51 and OAC 35:15-15-91 of the State Department of Agriculture regarding testing requirements for change of ownership and requirements of Equidae entering equine exhibitions; and directing distribution.

WHEREAS, pursuant to Section 250.2 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to disapprove any rule at any time if the Legislature determines that a rule is not consistent with legislative intent; and

WHEREAS, permanent rules OAC 35:15-15-51 and OAC 35:15-15-91 regarding testing requirements for change of ownership and requirements of Equidae entering equine exhibitions do not reflect the intent of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 45TH OKLAHOMA LEGISLATURE, THE SENATE CONCURRING THEREIN:

SECTION 1. The Legislature hereby disapproves permanent rules OAC 35:15-15-51 and OAC 35:15-15-91 of the State Department of Agriculture, regarding testing requirements for change of ownership and requirements of Equidae entering equine exhibitions. The language of OAC 35:15-15-51 and OAC 35:15-15-91 which is disapproved by this resolution reads as follows:

35:15-15-51. Testing requirements for change of ownership

All Equidae which are sold, bartered, traded or offered for sale within Oklahoma on or after July 1, 1996, must be accompanied by a record of a negative official test for equine infectious anemia conducted at an approved laboratory within the previous 12 months. The record shall include the name of the laboratory, case number and the date of the official test. Photocopies of a VS Form 10-11 shall not be considered an official record of test. Foals, less than six months of age, accompanied by and nursing a negative tested mare, are exempt from the testing requirements. On all private sales, trades or barters, i.e., any sale other than through an approved market, both the buyer and the seller will be equally and individually responsible for meeting the EIA testing requirements prior to the sale.

35:15-15-91. Requirements of Equidae entering equine exhibitions

(a) All Equidae moving within the state to equine exhibitions, which shall include but not be limited to, fairs, livestock shows, breed association shows, rodeos, racetracks or other equine concentration points on or after July 1, 1996, shall be accompanied by a record of a negative official test for EIA conducted within the previous 12 months. The official test shall be conducted by an approved laboratory, and the name of the laboratory, the case number and the date of the test shall appear on the official record of the test.

(b) A photocopy of a VS Form 10-11 shall not be accepted as an official record of test.

(c) The manager, superintendent, secretary or other official in charge of such equine exhibitions shall be responsible to verify that all Equidae entering such exhibitions meet the requirements listed above. An official in charge of an exhibition shall not be held responsible for recording or accepting falsified or erroneous information provided by an owner, exhibitor or trainer. The

individual providing the erroneous or fictitious information shall be held accountable for a violation of rules adopted by the Board.

(d) Any official in charge of an exhibition, who negligently or willfully allows an untested or reactor animal to enter an equine exhibition shall be in violation of the rules of the Board. Both the exhibition or event official and the owner or caretaker of the positive or untested animal shall be held equally and individually responsible for such a violation.

SECTION 2. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Commissioner of the State Department of Agriculture and the Editor of "The Oklahoma Register".

Adopted by the House of Representatives the 31st day of May, 1996.

Speaker of the House of Representatives

Adopted by the Senate the ____ day of _____, 1996.

President of the Senate