

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

CONFERENCE COMMITTEE
SUBSTITUTE FOR ENGROSSED
HOUSE BILL NO. 1190

By: Pope (Clay) of the House

and

Henry of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to agriculture; amending 2 O.S. 1991, Section 6-302, as amended by Section 66, Chapter 367, O.S.L. 2000 (2 O.S. Supp. 2000, Section 6-302), which relates to certain powers and duties of the State Board of Agriculture; adding powers and duties relating to livestock and certain equipment and implements; authorizing citations; providing procedures and process; increasing certain penalties for certain violations; authorizing the Commissioner of the State Department of Agriculture to enter into certain reciprocal agreements; providing for maintaining certain legal actions upon request; requiring certain wholesalers and retailers to inform consumers of the county or origin of certain agricultural products; requiring method; providing exceptions; providing for enforcement; providing for rules; providing for administrative penalties; setting maximum limits; authorizing the Commissioner upon approval of the State Board of Agriculture to commission agriculture law enforcement agents; providing for and specifying powers and duties; authorizing carrying of firearms; providing for certain restrictions; amending Section 3, Chapter 357, O.S.L. 1994, as last amended by Section 127 of Enrolled House Bill No. 1378 of the 1st Session of the 48th Oklahoma Legislature, which relates to the Oklahoma International Trade Development Council; modifying times required to meet; providing for codification; and providing an effective date.

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 2-4b of Title 2, unless there is created a duplication in numbering, reads as follows:

A. The Commissioner of the State Department of Agriculture may enter into reciprocal agreements with:

1. A state agriculture agency or corresponding agency of another state, or with the person, board, officer, or commission authorized to act on behalf of that department or agency having jurisdiction affecting the importation, health, inspection, investigation, control, prevention, and eradication of contagious and infectious diseases of livestock; and

2. Another state or with the person, board, officer, or commission authorized to act on behalf of the other state relating to theft of livestock and to farming equipment and farm implements.

B. The Commissioner of the State Department of Agriculture shall, upon the written request of a state agriculture agency or other corresponding agency of any other state or of any person, board, officer, or commission of the state authorized to act for and on behalf of such department or corresponding agency, maintain actions in the courts of this state upon judgments and demands arising in the other state in the same manner and to the same extent that the actions by the Commissioner are authorized when arising in this state; provided, however, that the actions may be commenced and maintained only in those cases where the other state by appropriate legislation or by reciprocal agreement extends a like policy or approach to cases arising in the state.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-115 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. On and after January 1, 2002, the wholesaler and retailer of fresh fruits, fresh vegetables, or fresh and frozen meat shall inform consumers at the final point of sale of the fruits, vegetables or meat of the country of origin of the fresh fruits, fresh vegetables or fresh and frozen meat.

B. The information required by subsection A of this section may be provided to consumers by means of a label, stamp, mark, placard, or other clear and visible sign on the commodity or on the package, display, holding unit, or bin containing the commodity at the final point of sale to the consumers. Provided, if the commodity is already individually labeled regarding country of origin by a packer, importer, or another person, the retailer shall not be required to provide any additional information to comply with this section.

C. The State Department of Agriculture shall be responsible for enforcing the provisions of this section and is authorized to promulgate rules as are necessary for that purpose. In addition to any authorized criminal penalties, if a retailer fails to indicate the country of origin as required by this section, the State Board of Agriculture may assess an administrative penalty on the retailer in an amount not to exceed One Hundred Dollars (\$100.00) for the first violation of this section and not to exceed Five Hundred Dollars (\$500.00) for a second or subsequent violation of this section in a three-year period.

SECTION 3. AMENDATORY 2 O.S. 1991, Section 6-302, as amended by Section 66, Chapter 367, O.S.L. 2000 (2 O.S. Supp. 2000, Section 6-302), is amended to read as follows:

Section 6-302. A. To enable the State Board of Agriculture to implement its duties and responsibilities regarding disease eradication and control of livestock and theft of livestock, and of farming equipment and farm implements, authorized agents of the Board are authorized to stop a vehicle transporting any livestock or farming equipment or farm implement for the purposes of inspecting and examining:

1. Livestock being transported; ~~and~~
2. The documents relating to the health, ownership, or destination of the livestock; and

3. Ownership documents or serial or identification numbers relating to farming equipment or farm implements.

B. 1. Agents of the Board are authorized to issue citations to those persons committing violations of the laws relating to the control and eradication of disease in livestock in this state.

2. Each violation relating to the transportation of livestock, and any required documentation regarding disease eradication and control of livestock being transported may result in a citation not to exceed Five Hundred Dollars (\$500.00) per incident. Each citation issued shall indicate the name of the owner of the livestock being transported, as well as the name of the driver of the vehicle.

3. If an owner or driver receives three citations for violations of this subsection within a consecutive three-year period, the owner or driver may be subject to citations not to exceed One Thousand Dollars (\$1,000.00) for any subsequent violations of this subsection.

C. The authorized agents designated to stop vehicles and issue citations shall be required to satisfactorily complete those courses offered by law enforcement agencies as are required by the Board.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-310 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. The Commissioner of the State Board of Agriculture may commission, subject to the approval of the Board, agriculture law enforcement agents.

B. Agriculture law enforcement agents, when commissioned, shall:

1. Have all the powers of peace officers except the serving or execution of civil process other than the execution of civil process related to the Oklahoma Agricultural Code;

2. Have in all parts of the state the same powers with respect to criminal matters and enforcement of the laws relating thereto as sheriffs, highway patrol, and police officers in their respective jurisdictions;

3. Enforce the civil, criminal, and administrative provisions relating to livestock theft, animal health and importation statutes and theft of farming equipment and farm implements, as well as any other law contained in the Oklahoma Agricultural Code;

4. Possess all immunities and matters of defense now available or hereafter made available to sheriffs, highway patrol and police officers in any suit brought against them in consequence of acts done in the course of their employment; and

5. Comply with the provisions of Section 3311 of Title 70 of the Oklahoma Statutes.

C. Agriculture law enforcement agents specifically:

1. Are vested with the power and authority of sheriffs in making arrests for violations of the Oklahoma Agricultural Code and in the enforcement of nonagriculture-related crimes in cooperation with other law enforcement officers and agencies as authorized by the Board and approved by the Governor of the State of Oklahoma;

2. May take into possession any farming equipment or farm implement and any and all livestock, or any part thereof, killed, taken, shipped or had in possession contrary to the law. Such livestock or parts thereof may be disposed of as determined by the Commissioner or any court of competent jurisdiction;

3. May make a complaint and cause proceedings to be commenced against any person for violation of any of the laws relating to the Oklahoma Agricultural Code or relating to theft of livestock and of farming equipment or farm implements, with the sanction of the prosecuting or district attorney of the county in which the proceedings are brought, and shall not be required to give security for costs;

4. In connection with the enforcement of the civil, criminal, and administrative provisions, shall have the express authority to stop the transportation or movement of any animal or farming equipment or farm implement within this state and shall have the right to enter upon all premises, posted, or otherwise, when necessary for enforcement of the laws of this state;

5. Shall be under the control and direction of the Commissioner. The Commissioner may, at any time, remove any powers or authority of arrest conferred by the Commissioner; and

6. Shall have the right to carry firearms as authorized by the Commissioner. The right to carry firearms is limited to the authorized stop of a vehicle transporting livestock or farming equipment or farm implements, investigating the theft of livestock or of farming equipment or farm implements, and assisting other law enforcement officials. Agriculture investigators shall not bear firearms at any other time including, but not limited to, authorized visits to livestock auction markets, residences, state offices and other places of business.

SECTION 5. AMENDATORY Section 3, Chapter 357, O.S.L. 1994, as last amended by Section 127 of Enrolled House Bill No. 1378 of the 1st Session of the 48th Oklahoma Legislature, is amended to read as follows:

Section 3003. A. To fulfill its mission as the originator of the development of economic analysis and market planning for this state, the Oklahoma International Trade Development Council shall be the central advisory, planning, and monitoring board for all agriculture-related products, livestock, goods, services, and agricultural market development. The Council shall serve as an expert economic development advisory board to the executive branch, the state Legislature, and the judiciary regarding international export of Oklahoma agricultural products, livestock, goods, services, and agricultural market development.

1. The Oklahoma International Trade Development Council shall be an economic development advisory board for the Oklahoma Department of Commerce for agricultural marketing and investment activities.

2. The Oklahoma International Trade Development Council shall act as policy advisor for the Oklahoma International Trade Development Act to the Department of Agriculture and the Institutions of Higher Learning in their representative capacities for development of agricultural policies and programs for international export sales and markets.

3. The Oklahoma International Trade Development Council shall act as the central policy development advisory board to any newly created Oklahoma agencies, authorities, and other entities of state government whose fundamental mission is the economic development of Oklahoma through export of agricultural products, livestock, goods, services, and agricultural market development.

4. In its capacity as Oklahoma's central economic policy, advisory, and monitoring board for export of agricultural products, livestock, goods, services, and agricultural market development, the Oklahoma International Trade Development Council shall promote greater collaboration and cooperation between the executive and legislative branches, agribusiness, financial institutions, labor and management, educational institutions, and local communities to create increased innovation, creativity, diversity, and productivity greater than any one sector can achieve acting alone.

B. 1. The Oklahoma International Trade Development Council shall consist of the following ex officio members or their designee:

- a. the Commissioner of the State Department of Agriculture,
- b. the Executive Director of the Oklahoma Department of Commerce,

- c. Chair and ~~Vice-Chair~~ Vice-chair of the Agriculture Committee of the House of Representatives,
- d. Chair and ~~Vice-Chair~~ Vice-chair of the Agriculture Committee of the State Senate,
- e. the Chair and ~~Vice-Chair~~ Vice-chair of the Economic Development Committee of the Oklahoma House of Representatives,
- f. the Chair and ~~Vice-Chair~~ Vice-chair of the Economic Development Committee of the State Senate, and
- g. the Chair of the Oklahoma State Chamber of Commerce and Associated Industries;

2. In addition to the members specified in paragraph 1 of this subsection, the Council shall consist of the following:

- a. the Governor shall appoint six members as follows:
 - (1) a representative of the Oklahoma wheat industry, from a list submitted by statewide wheat producer associations,
 - (2) a representative of the Oklahoma cattle industry, from a list submitted by statewide Oklahoma cattlemen's producer associations,
 - (3) a representative of the Oklahoma pork producers submitted by statewide pork producer associations,
 - (4) a representative of the Oklahoma food processing industry,
 - (5) a representative of a state financial institution with experience in international finance, and
 - (6) one member from the public at large,
- b. the Speaker of the House of Representatives shall appoint five members as follows:
 - (1) a representative of the Oklahoma grain and seed industry,

- (2) a representative of the Oklahoma poultry producers,
- (3) a representative of the Oklahoma cotton producers,
- (4) a representative from the pure breed livestock industry, and
- (5) one member from the public at large,

c. the Pro Tempore of the Senate shall appoint five members as follows:

- (1) a representative from the Oklahoma nursery industry,
- (2) a representative from the Oklahoma soybean producers,
- (3) a representative from the Oklahoma peanut producers,
- (4) a specialized genetic expert, and
- (5) a member from the public at large.

C. The initial appointments for each gubernatorial and legislative member shall be for progressive terms of one (1) through four (4) years so that only one term expires each calendar year. Each of the first members appointed from the public at large shall serve a term of three (3) years. Subsequent appointments shall be for four-year terms.

D. All appointees to the Council shall be selected for outstanding knowledge and leadership in their fields.

E. No appointed member may serve more than two consecutive full terms of office on the Oklahoma International Trade Development Council.

F. Any vacancy in the appointive membership of the Oklahoma International Trade Development Council shall be filled for the unexpired term in the same manner as the original appointment.

G. The ~~chairman~~ Chair of the Oklahoma International Trade Development Council shall be elected annually from among the private sector members. A ~~vice-chairman~~ Vice-chair shall be elected annually from among all the members.

H. The Oklahoma International Trade Development Council shall meet at least ~~six times annually with time lapse between meetings~~ not to exceed sixty (60) days quarterly each year, and at other times upon the call of the Governor.

I. The Oklahoma International Trade Development Council shall be managed by the State Department of Agriculture who is authorized to contract for services with any person to accomplish the purposes of the Oklahoma International Trade Development Act.

J. Nonlegislative members of the Oklahoma International Trade Development Council shall be reimbursed for actual and necessary travel expenses in performing their duties as members of the Oklahoma International Trade Development Council. Legislative members of the Council shall be reimbursed as provided in Section 456 of Title 74 of the Oklahoma Statutes.

K. In making appointments to the board of directors of the Oklahoma International Trade Development Council, appropriate consideration shall be given to representation upon the Council by race, gender, and geographical area.

SECTION 6. This act shall become effective November 1, 2001.

48-1-7084 KSM 6/12/15