

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SUBCOMMITTEE RECOMMENDATION  
4 FOR

5 HOUSE BILL NO. 2729

6 By: Armes

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to agriculture; authorizing the  
9 Oklahoma Department of Agriculture, Food, and  
10 Forestry to take possession of certain farm-related  
11 possessions; providing for release upon certain  
12 determination; providing for disposal; providing for  
13 proceeds of seized possessions; creating the  
14 Agriculture Evidence and Law Enforcement Fund;  
15 providing for revenues; providing for use; providing  
16 for expenditures; providing maximum amount for  
17 balance on deposit; amending 4 O.S. 2001, Section  
18 270.2, which relates to enforcement of laws  
19 pertaining to livestock; authorizing agriculture law  
20 enforcement agents to enforce laws; amending 47 O.S.  
21 2001, Section 4-103, which relates to receiving or  
22 disposing of a vehicle; adding violations relating to  
23 implement of husbandry as felony; providing for  
24 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 2-14.1 of Title 2, unless there  
is created a duplication in numbering, reads as follows:

The Oklahoma Department of Agriculture, Food, and Forestry may  
take into possession any vehicle, implement of husbandry, farming  
equipment or farm implement and any and all livestock, or any part

1 thereof, killed, taken, shipped, or possessed in violation of any  
2 provision of the Agricultural Code. The Department shall release  
3 the property to the owner as the right, title, or interest appears  
4 on record in the Tax Commission as of the seizure upon determining  
5 the owner had no knowledge or reason to believe the property was  
6 being, or was to be, used for the purpose charged. The vehicle,  
7 implement of husbandry, farm equipment or implement and livestock or  
8 parts thereof may be disposed of as determined by the Commissioner  
9 of Agriculture or any court of competent jurisdiction. Any proceeds  
10 remaining from the sale of seized property pursuant to this section  
11 after reimbursement of all costs associated with the seizure and  
12 sale and to any bona fide or innocent owner, lienholder, mortgagee,  
13 or vendor shall be deposited in the Agriculture Evidence and Law  
14 Enforcement Fund created by Section 2 of this act.

15 SECTION 2. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 2-27.1 of Title 2, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. There is created in the State Treasury a revolving fund for  
19 the Oklahoma Department of Agriculture, Food, and Forestry to be  
20 designated the "Agriculture Evidence and Law Enforcement Fund". The  
21 fund shall be a continuing fund, not subject to fiscal year  
22 limitations, and shall consist of monies received from the sale of  
23 confiscated property, the seizure and forfeiture of confiscated  
24 monies, property, gifts, bequests, devises, or contributions, public

1 or private, including federal and state funds unless otherwise  
2 provided by federal law or regulation.

3 B. All monies accruing to the credit of the fund are  
4 appropriated and may be budgeted and expended by the Oklahoma  
5 Department of Agriculture, Food, and Forestry, for purposes  
6 including but not limited to investigation, enforcement, and  
7 prosecution of cases involving administrative, civil, or criminal  
8 violations of the Agricultural Code.

9 C. The balance on deposit in the Agriculture Evidence and Law  
10 Enforcement Fund shall never exceed the sum of One Hundred Thousand  
11 Dollars (\$100,000.00). Amounts exceeding One Hundred Thousand  
12 Dollars (\$100,000.00) shall be deposited in the Agriculture  
13 Revolving Fund.

14 SECTION 3. AMENDATORY 4 O.S. 2001, Section 270.2, is  
15 amended to read as follows:

16 Section 270.2 The laws of this state relating to violations and  
17 investigations of livestock brands shall be enforced and carried out  
18 by the Oklahoma State Bureau of Investigation and any agriculture  
19 law enforcement agent of the state.

20 All responsibilities and duties relating to brand registry,  
21 keeping of records and maintenance of files are hereby delegated to  
22 the ~~Oklahoma~~ State Board of Agriculture.

23 The Board is authorized to enter into contracts with state  
24 livestock associations to register and record marks and brands and

1 to make compensation for ~~said~~ services. The Board may also appoint  
2 agents to receive fees and monies and perform ~~such~~ other duties as  
3 it may direct<sup>7</sup>; provided, that ~~such~~ the agent shall file with and in  
4 favor of the Board<sup>7</sup>, a fidelity bond executed by a surety company  
5 authorized to do business in this state, conditioned on the faithful  
6 performance of their duties, a strict accounting of all funds to the  
7 Board and on ~~such~~ other terms and conditions as the Board may deem  
8 necessary, in ~~such~~ a penal sum as the Board may require. All ~~such~~  
9 fees and monies shall be deposited in the State Department of  
10 Agriculture Trust Fund.

11 SECTION 4. AMENDATORY 47 O.S. 2001, Section 4-103, is  
12 amended to read as follows:

13 Section 4-103. A person not entitled to the possession of a  
14 vehicle or implement of husbandry who receives, possesses, conceals,  
15 sells or disposes of it, knowing the vehicle or implement of  
16 husbandry to be stolen or converted under circumstances constituting  
17 a crime, shall be guilty of a felony.

18 SECTION 5. This act shall become effective November 1, 2008.

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