

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2729

By: Armes

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5  
6 AS INTRODUCED

7 An Act relating to agriculture; authorizing the  
8 Oklahoma Department of Agriculture, Food, and  
9 Forestry to take possession of certain farm-related  
10 possessions; providing for disposal; providing for  
11 proceeds of seized possessions; creating the  
12 Agriculture Evidence and Law Enforcement Fund;  
13 providing for revenues; providing for use; providing  
14 for expenditures; providing maximum amount for  
15 balance on deposit; amending 4 O.S. 2001, Section  
16 270.2, which relates to enforcement of laws  
17 pertaining to livestock; authorizing agriculture law  
18 enforcement agents to enforce laws; providing for  
19 codification; and providing an effective date.

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

21 SECTION 1. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 2-14.1 of Title 2, unless there  
23 is created a duplication in numbering, reads as follows:

24 The Oklahoma Department of Agriculture, Food, and Forestry shall  
have the authority to take possession of any farming equipment or  
farm implement and any and all livestock, or any part thereof, that  
was killed, taken, shipped, or possessed in violation of any  
provision of the Agricultural Code. The livestock or parts thereof

1 may be disposed of as determined by the Secretary of Agriculture or  
2 any court of competent jurisdiction. Any proceeds remaining from  
3 the sale of seized property pursuant to this section after  
4 reimbursement of all costs associated with the seizure and sale  
5 shall be deposited in the Agriculture Evidence and Law Enforcement  
6 Fund created by Section 2 of this act.

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

10 A. There is created in the State Treasury a revolving fund for  
11 the Oklahoma Department of Agriculture, Food, and Forestry to be  
12 designated the "Agriculture Evidence and Law Enforcement Fund". The  
13 fund shall be a continuing fund, not subject to fiscal year  
14 limitations, and shall consist of monies received from the sale of  
15 confiscated property, the seizure and forfeiture of confiscated  
16 monies, property, gifts, bequests, devises, or contributions, public  
17 or private, including federal funds unless otherwise provided by  
18 federal law or regulation.

19 B. All monies accruing to the credit of the fund are  
20 appropriated and may be budgeted and expended by the Oklahoma  
21 Department of Agriculture, Food, and Forestry, for purposes  
22 including but not limited to investigation, enforcement, and  
23 prosecution of cases involving administrative, civil, or criminal  
24 violations of the Agricultural Code.

1 C. The balance on deposit in the Agriculture Evidence and Law  
2 Enforcement Fund shall never exceed the sum of One Hundred Thousand  
3 Dollars (\$100,000.00). Amounts exceeding One Hundred Thousand  
4 Dollars (\$100,000.00) shall be deposited in the General Revenue Fund  
5 of the state.

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

8 Section 270.2 The laws of this state relating to violations and  
9 investigations of livestock brands shall be enforced and carried out  
10 by the State Bureau of Investigation and any agriculture law  
11 enforcement agent of the state.

12 All responsibilities and duties relating to brand registry,  
13 keeping of records and maintenance of files are hereby delegated to  
14 the Oklahoma State Board of Agriculture.

15 The Board is authorized to enter into contracts with state  
16 livestock associations to register and record marks and brands and  
17 to make compensation for said services. The Board may also appoint  
18 agents to receive fees and monies and perform such other duties as  
19 it may direct, provided, that such agent shall file with and in  
20 favor of the Board, a fidelity bond executed by a surety company  
21 authorized to do business in this state, conditioned on the faithful  
22 performance of their duties, a strict accounting of all funds to the  
23 Board and on such other terms and conditions as the Board may deem  
24 necessary, in such penal sum as the Board may require. All such

1 fees and monies shall be deposited in the State Department of  
2 Agriculture Trust Fund.

3 SECTION 4. This act shall become effective November 1, 2008.

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