

THE HOUSE OF REPRESENTATIVES
Monday, March 2, 2009

House Bill No. 2149

HOUSE BILL NO. 2149 - By: ARMES of the House and ANDERSON of the Senate.

An Act relating to agriculture; creating the Agriculture Evidence and Law Enforcement Fund; providing for administration; stating purpose; providing for expenditures; establishing certain limitations; amending 4 O.S. 2001, Section 270.2, which relates to the enforcement of laws relating to livestock brands; authorizing agriculture law enforcement agents to enforce laws; amending 47 O.S. 2001, Section 4-103, which relates to receiving or disposing of a vehicle; including implement of husbandry in certain crime; providing for codification; and providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma
2 Statutes as Section 2-27.1 of Title 2, unless there is created a duplication in numbering,
3 reads as follows:
4 A. There is created in the State Treasury a revolving fund for the Oklahoma
5 Department of Agriculture, Food, and Forestry to be designated the "Agriculture
6 Evidence and Law Enforcement Fund". The fund shall be a continuing fund, not subject
7 to fiscal year limitations, and shall consist of monies received from the sale of confiscated
8 property, the seizure and forfeiture of confiscated monies, property, gifts, bequests,
9 devises, or contributions, public or private, including federal and state funds unless
10 otherwise provided by federal law or regulation.

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

5 C. The balance on deposit in the Agriculture Evidence and Law Enforcement Fund
6 shall never exceed the sum of One Hundred Thousand Dollars (\$100,000.00). Amounts
7 exceeding One Hundred Thousand Dollars (\$100,000.00) shall be deposited in the
8 Agriculture Revolving Fund.

9 SECTION 2. AMENDATORY 4 O.S. 2001, Section 270.2, is amended to read as
10 follows:

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

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

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

1 ~~such~~ a penal sum as the Board may require. All ~~such~~ fees and monies shall be deposited
2 in the State Department of Agriculture Trust Fund.

3 SECTION 3. AMENDATORY 47 O.S. 2001, Section 4-103, is amended to read
4 as follows:

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

9 SECTION 4. This act shall become effective November 1, 2009.

10 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
11 dated 02-26-09 - DO PASS, As Coauthored.