

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 2149

By: Armes

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5  
6 AS INTRODUCED

7 An Act relating to agriculture; creating the  
8 Agriculture Evidence and Law Enforcement Fund;  
9 providing for administration; stating purpose;  
10 providing for expenditures; establishing certain  
11 limitations; amending 4 O.S. 2001, Section 270.2,  
12 which relates to the enforcement of laws relating to  
13 livestock brands; authorizing agriculture law  
14 enforcement agents to enforce laws; amending 47 O.S.  
15 2001, Section 4-103, which relates to receiving or  
16 disposing of a vehicle; including implement of  
17 husbandry in certain crime; providing for  
18 codification; and providing an effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 2-27.1 of Title 2, unless there  
22 is created a duplication in numbering, reads as follows:

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

1 monies, property, gifts, bequests, devises, or contributions, public  
2 or private, including federal and state funds unless otherwise  
3 provided by federal law or regulation.

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

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

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

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

21 All responsibilities and duties relating to brand registry,  
22 keeping of records and maintenance of files are hereby delegated to  
23 the ~~Oklahoma~~ State Board of Agriculture.  
24

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

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

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

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

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