

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2921

By: Richardson of the House and Brecheen of the Senate

Title: Pet breeders; Commercial Pet Breeders Act; effective date; emergency.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from Amendment No. 1; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

HOUSE CONFEREES

Armes _____

Jackson _____

McDaniel (Curtis) 

Morgan _____

Osborn 

Peters 

Proctor 

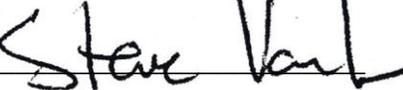
Renegar 

Richardson 

Rousselot 

Russ 

Trebilcock _____

Vaughan 

HB1321 CCR A

HB1321 CCR A

SENATE CONFEREES

Justice

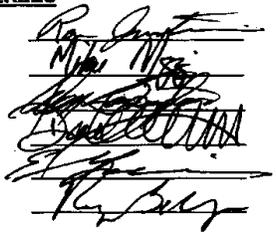
Mazzei

Barrington

Newberry

Garrison

Ballenger



A column of handwritten signatures, each written over a horizontal line. The signatures are: 1. A signature starting with 'R'. 2. A signature starting with 'M'. 3. A signature starting with 'B'. 4. A signature starting with 'N'. 5. A signature starting with 'G'. 6. A signature starting with 'B'.

House Action _____ Date _____ Senate Actic

House Action _____ Date _____ Senate Action _____ Date _____

House Action _____ Date _____ Senate Action _____ Date _____

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2921

By: Richardson, Renegar and
Denney of the House

7 and

Brecheen and Allen of the
Senate

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9
10
11 CONFERENCE COMMITTEE SUBSTITUTE

12 An Act relating to pet breeders; creating the
13 Commercial Pet Breeders Act of 2012 administered by
14 the State Board of Agriculture; defining terms;
15 authorizing Board to adopt certain rules; requiring
16 commercial pet breeder license; providing for initial
17 and annual inspections; requiring inspection report;
18 prohibiting inspections by certain group;
19 establishing license requirements; requiring separate
20 licenses; permitting denial, renewal or revocation of
21 license for certain reasons; establishing license
22 renewal procedure; requiring certain notice; setting
23 out certain duties; requiring submission of annual
24 report; mandating certain records be kept; providing
for penalties; directing Board to maintain and post
certain information on its website; creating the
Commercial Pet Breeders Assistance Revolving Fund;
providing for deposits; setting forth limitations on
monies deposited in the fund; prohibiting transfer of
funds; stating uses for fund; transferring funds from
the Board of Commercial Pet Breeders to the Oklahoma
Department of Agriculture, Food, and Forestry;
providing for promulgation of certain emergency
rules; repealing 59 O.S. 2011, Sections 5001, 5002,
5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011,
5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020,

1 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028 and
2 5029, which relate to the Commercial Pet Breeders
3 Act; providing for codification; providing for
4 noncodification; providing an effective date; and
5 declaring an emergency.

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

7 SECTION 1. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 30.1 of Title 4, unless there is
9 created a duplication in numbering, reads as follows:

10 This act shall be known and may be cited as the "Commercial Pet
11 Breeders Act of 2012" and shall be administered by the State Board
12 of Agriculture.

13 SECTION 2. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 30.2 of Title 4, unless there is
15 created a duplication in numbering, reads as follows:

16 As used in the Commercial Pet Breeders Act of 2012:

17 1. "Adult animal" means an intact female animal twelve (12)
18 months of age or older;

19 2. "Animal" means a dog or a cat;

20 3. "Board" means the State Board of Agriculture;

21 4. "Cat" means a mammal that is wholly or partly of the species
22 *Felis domesticus*;

23 5. "Commercial breeder" and "commercial pet breeder" mean any
24 individual, entity, association, trust, or corporation who possesses

1 eleven or more intact female animals for the use of breeding or
2 dealing in animals for direct or indirect sale or for exchange in
3 return for consideration;

4 6. "Commercial pet breeder license" means a license issued to
5 any person that qualifies and is licensed as a commercial pet
6 breeder;

7 7. "Department" means the Oklahoma Department of Agriculture,
8 Food, and Forestry;

9 8. "Dog" means a mammal that is wholly or partly of the species
10 *Canis familiaris*;

11 9. "Facility" means the premises used by one or more commercial
12 breeders for keeping, housing, or breeding animals. The term
13 includes all buildings, property, and confinement areas in a single
14 location used to conduct the commercial breeding business;

15 10. "Family member" means the parent, spouse, child, or sibling
16 of an individual;

17 11. "Humane society" means a nonprofit organization exempt from
18 federal income taxation as an organization described in Section
19 501(c)(3), Internal Revenue Code of 1986, as amended, that has as a
20 principal purpose the prevention of animal cruelty or the sheltering
21 of, caring for, and providing of homes for lost, stray, and
22 abandoned animals;

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1 12. "Inspector" means an authorized agent of the Board or any
2 other qualified person authorized by the Department to conduct
3 inspections;

4 13. "Intact female animal" means a female animal, nine (9)
5 months of age or older, and not spayed;

6 14. "Kitten" means a cat less than twelve (12) months old;

7 15. "Local animal control authority" means a municipal or
8 county animal control office with authority over the premises in
9 which an animal is kept or, in an area that does not have an animal
10 control office, the county sheriff;

11 16. "Marketing" means the solicitation for sale of animals;

12 17. "Noncommercial breeder" means any individual, entity,
13 association, trust, or corporation who possesses ten or fewer intact
14 female animals for the use of breeding or dealing in animals for
15 direct or indirect sale or for exchange in return for consideration;

16 18. "Person" means any individual, association, trust,
17 corporation, limited liability company, partnership, or other
18 entity;

19 19. "Pet" means a dog or cat, including a puppy or kitten;

20 20. "Possess" means to have custody of or control over;

21 21. "Puppy" means a dog less than twelve (12) months old; and

22 22. "Veterinarian" means a person currently licensed to
23 practice veterinary medicine in Oklahoma.

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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 30.3 of Title 4, unless there is
3 created a duplication in numbering, reads as follows:

4 A. The State Board of Agriculture shall enforce and administer
5 the provisions of the Commercial Pet Breeders Act of 2012.

6 B. The Board shall adopt the rules necessary to enforce and
7 administer the Commercial Pet Breeders Act of 2012, including but
8 not limited to rules that:

9 1. Establish standards for care;

10 2. Establish reasonable and necessary fees;

11 3. Establish exemptions for intact female animals held solely
12 for the purpose of training and that are not bred, with
13 documentation to include sales and training records;

14 4. Establish provisions related to initial and renewal
15 applications, revocation or nonrenewal of licenses, procedures for
16 sale of animals, and procedures for making complaints; and

17 5. Establish any other rules deemed necessary by the Board.

18 SECTION 4. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 30.4 of Title 4, unless there is
20 created a duplication in numbering, reads as follows:

21 A. A person shall not act, offer to act, or hold himself or
22 herself out as a commercial pet breeder in this state unless the
23 person holds a commercial pet breeder license obtained pursuant to
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1 the Commercial Pet Breeders Act of 2012 for each facility that the
2 person owns or operates in this state.

3 B. It shall be unlawful for any person to act as a commercial
4 pet breeder licensee, or to hold himself or herself out as such,
5 unless the person shall have been licensed to do so under the
6 Commercial Pet Breeders Act of 2012.

7 C. An applicant for a commercial pet breeder license shall meet
8 the criteria established by the State Board of Agriculture through
9 rules promulgated pursuant to the Commercial Pet Breeders Act of
10 2012.

11 D. Any commercial pet breeder that applies for a commercial pet
12 breeder license no later than September 1, 2012, shall not be
13 required to meet any cage-size requirement more stringent than
14 United States Department of Agriculture standards. Regardless of
15 license application date, any commercial pet breeder replacing or
16 adding cages after September 1, 2012, shall meet the cage-size
17 requirements as of the date of replacement or addition.

18 SECTION 5. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 30.5 of Title 4, unless there is
20 created a duplication in numbering, reads as follows:

21 A. The Oklahoma Department of Agriculture, Food, and Forestry
22 may contract with a local veterinarian licensed by the state, other
23 state agency or any other qualified person to conduct or assist in
24 an initial prelicense inspection and annual inspections.

1 B. The Department shall arrange for an inspection at a facility
2 prior to issuance of an initial commercial pet breeder license for
3 that facility.

4 1. The Department shall not issue a commercial pet breeder
5 license to any person until the Department receives an initial
6 prelicense inspection report from the inspector in a format approved
7 by the Department certifying that the facility meets the
8 requirements of the Commercial Pet Breeders Act of 2012.

9 2. Prior to the initial prelicense inspection, each applicant
10 shall pay to the Department a nonrefundable inspection fee.

11 C. The Department, at least annually, shall arrange for the
12 inspection of each facility of a licensed commercial breeder. The
13 inspection shall be conducted during normal business hours and the
14 commercial breeder or a representative of the commercial breeder
15 shall be present during the inspection.

16 D. The inspector shall submit an inspection report to the
17 Department not later than ten (10) days after the date of the
18 inspection on a form prescribed by the Department and provide a copy
19 of the report to the commercial breeder or the representative.

20 E. On receipt of a valid written complaint alleging a violation
21 of the Commercial Pet Breeders Act of 2012, an authorized agent of
22 the State Board of Agriculture, a local animal control authority, or
23 an inspector designated by the Department may investigate the
24 alleged violation.

1 F. The Department shall not hire any humane society group or
2 member of any humane society group to perform any inspection
3 required by the Commercial Pet Breeders Act of 2012.

4 SECTION 6. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 30.6 of Title 4, unless there is
6 created a duplication in numbering, reads as follows:

7 A. The Oklahoma Department of Agriculture, Food, and Forestry
8 shall issue a commercial pet breeder license to each commercial pet
9 breeder who:

- 10 1. Meets the requirements of the Commercial Pet Breeders Act of
11 2012;
- 12 2. Applies to the Department on the form prescribed by the
13 Department; and
- 14 3. Pays the required fee.

15 B. A commercial pet breeder shall obtain a separate license for
16 each facility where breeding animals are kept. A separate license
17 shall be issued for each facility of the commercial pet breeder,
18 whether or not the breeder has eleven or more intact female animals
19 at each facility.

20 C. If a single facility is shared by more than one person, each
21 person shall be required to become individually licensed if eleven
22 or more intact females used for breeding are housed at the facility.

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1 D. A license issued under the Commercial Pet Breeders Act of
2 2012 is valid until July 1 of each calendar year and is
3 nontransferable.

4 SECTION 7. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 30.7 of Title 4, unless there is
6 created a duplication in numbering, reads as follows:

7 The Oklahoma Department of Agriculture, Food, and Forestry may
8 deny a license, or renewal thereof, or revoke a license of any
9 applicant or commercial pet breeder who fails to meet the standards
10 of animal care or fails to follow the application process adopted by
11 the Department, or if the person:

- 12 1. Is convicted of a crime involving animal cruelty;
- 13 2. Is convicted of violating the Commercial Pet Breeders Act of
14 2012 more than three times;
- 15 3. Is convicted of a type of felony specified by subparagraphs
16 a through pp of paragraph 2 of Section 571 of Title 57 of the
17 Oklahoma Statutes;
- 18 4. Is convicted of a felony punishable under the Oklahoma
19 Racketeer-Influenced and Corrupt Organizations Act; or
- 20 5. Has held or applied for a United States Department of
21 Agriculture license pursuant to the Animal Welfare Act and whose
22 license was suspended or revoked, or whose application was refused
23 due to the improper care of animals.

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1 SECTION 8. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 30.8 of Title 4, unless there is
3 created a duplication in numbering, reads as follows:

4 A. A commercial pet breeder who is not in violation of the
5 Commercial Pet Breeders Act of 2012 or any rule adopted under the
6 Commercial Pet Breeders Act of 2012 may renew the license of the
7 person by:

8 1. Submitting a renewal application to the Oklahoma Department
9 of Agriculture, Food, and Forestry on the form prescribed by the
10 Department;

11 2. Complying with any other renewal requirements adopted by the
12 Department; and

13 3. Paying the required fee.

14 B. Any person who fails to apply for a renewal in a manner
15 prescribed by the Department, and whose license has expired, may not
16 engage in activities that require a license until the license has
17 been renewed.

18 C. Not later than sixty (60) days before the expiration of the
19 license, the Department shall send written notice of the impending
20 license expiration to the commercial pet breeder at the last-known
21 address according to the records of the Department.

22 SECTION 9. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 30.9 of Title 4, unless there is
24 created a duplication in numbering, reads as follows:

1 A commercial pet breeder shall notify the Oklahoma Department of
2 Agriculture, Food, and Forestry in writing not later than ten (10)
3 days after the date any change occurs in the address, name,
4 management, substantial control, or ownership of the business or
5 operation.

6 SECTION 10. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 30.10 of Title 4, unless there
8 is created a duplication in numbering, reads as follows:

9 A commercial pet breeder shall:

10 1. Prominently display a copy of the commercial pet breeder
11 license at the facility of the commercial pet breeder;

12 2. Include the commercial pet breeder license number in each
13 advertisement for the sale or transfer of an animal by the
14 commercial pet breeder; and

15 3. Include in each contract for the sale or transfer of an
16 animal by the commercial pet breeder the commercial pet breeder
17 license number.

18 SECTION 11. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 30.11 of Title 4, unless there
20 is created a duplication in numbering, reads as follows:

21 A. Not later than February 1 of each year, a commercial pet
22 breeder shall submit to the Oklahoma Department of Agriculture,
23 Food, and Forestry an annual report on a form prescribed by the
24 Department setting forth the number of adult intact female animals

1 held at the facility at the end of the prior year and such other
2 information regarding the commercial pet breeder's prior year's
3 operations as required by the Department.

4 B. The commercial pet breeder shall keep a copy of the annual
5 report at the facility of the commercial pet breeder and, on
6 request, make the report available to the authorized agent of the
7 Board, a local animal control authority, or any other inspector
8 designated by the Department.

9 C. A license holder that has more than one facility shall keep
10 separate records and file a separate report for each facility.

11 SECTION 12. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 30.12 of Title 4, unless there
13 is created a duplication in numbering, reads as follows:

14 A. A commercial pet breeder shall maintain a separate health
15 record for each animal in the facility of the commercial breeder
16 documenting the healthcare of the animal.

17 B. The health record shall include:

18 1. The breed, sex, color, and identifying marks of the animal;
19 and

20 2. A record of all inoculations, medications, and other
21 veterinary medical treatment received by the animal while in the
22 possession of the commercial pet breeder.

23 C. The commercial pet breeder shall make the health records
24 available on request to the Oklahoma Department of Agriculture,

1 Food, and Forestry, an authorized agent of the Board, a local animal
2 control authority, or any other inspector designated by the
3 Department.

4 SECTION 13. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 30.13 of Title 4, unless there
6 is created a duplication in numbering, reads as follows:

7 A. After notice and opportunity for a hearing in accordance
8 with the Administrative Procedures Act, if the State Board of
9 Agriculture finds any person in violation of the Commercial Pet
10 Breeders Act of 2012 or any rule promulgated or order issued
11 pursuant thereto, the Board shall have the authority to assess an
12 administrative penalty of not less than One Hundred Dollars
13 (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for
14 each violation. Each animal, each action, or each day a violation
15 continues may constitute a separate and distinct violation. During
16 each license year of the facility, a facility shall not be subject
17 to more than Ten Thousand Dollars (\$10,000.00) in administrative
18 penalties assessed pursuant to this subsection.

19 B. A person commits an offense if the person violates the
20 Commercial Pet Breeders Act of 2012 or any rule adopted under the
21 Commercial Pet Breeders Act of 2012. Each animal to which a
22 violation applies and each day that violation continues constitutes
23 a separate offense. An offense under this subsection is a
24 misdemeanor punishable as provided in subsection F of this section.

1 C. A person commits an offense if the person knowingly
2 falsifies information in a license application, annual report, or
3 record required under the Commercial Pet Breeders Act of 2012. An
4 offense under this subsection is a misdemeanor punishable as
5 provided in subsection F of this section.

6 D. An unlicensed commercial pet breeder commits an offense if
7 the breeder advertises animals for sale. An offense under this
8 subsection is a misdemeanor punishable as provided in subsection F
9 of this section.

10 E. A commercial pet breeder commits an offense if the
11 commercial breeder interferes with, hinders, or thwarts any
12 inspection or investigation under the Commercial Pet Breeders Act of
13 2012 or refuses to allow an inspector full access to all areas of
14 the facility where animals are kept or cared for and all records
15 required to be kept under the Commercial Pet Breeders Act of 2012 or
16 any rule adopted under the Commercial Pet Breeders Act of 2012. An
17 offense under this subsection is a misdemeanor punishable as
18 provided in subsection F of this section.

19 F. 1. Any violation of subsection B, C or D of this section
20 shall be punishable by a fine not to exceed Five Hundred Dollars
21 (\$500.00).

22 2. Any violation of subsection E of this section shall be
23 punishable by a fine not to exceed One Thousand Dollars (\$1,000.00).
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1 G. In addition to penalties and fines, the Board shall have
2 authority to obtain injunctions against anyone who violates the
3 Commercial Pet Breeders Act of 2012, and shall have authority to
4 obtain or impose civil monetary penalties on anyone who violates the
5 Commercial Pet Breeders Act of 2012, and upon obtaining a court
6 order, shall have authority to seize and impound animals in the
7 possession, custody, or care of that person if there is reason to
8 believe that the health, safety, or welfare of the animals is
9 endangered, or the animals are in imminent danger. The reasonable
10 costs of transportation, care, and feeding of seized and impounded
11 animals shall be paid by the person from whom the dogs or cats were
12 seized and impounded.

13 H. Nothing in the Commercial Pet Breeders Act of 2012 shall
14 preclude the Board from seeking penalties in district court in the
15 maximum amount allowed by law. The assessment of penalties in an
16 administrative enforcement proceeding shall not prevent the
17 subsequent assessment by a court of the maximum civil or criminal
18 penalties for violations of the Commercial Pet Breeders Act of 2012
19 and rules promulgated pursuant thereto.

20 I. Any person assessed an administrative or civil penalty may
21 be required to pay, in addition to the penalty amount and interest
22 thereon, attorney fees and costs associated with the collection of
23 the penalties.

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1 J. If any person refuses, denies or interferes with any right
2 of access, the Board shall have the right to apply to and obtain
3 from a district court an administrative or other warrant as
4 necessary to enforce the right of access and inspection.

5 SECTION 14. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 30.14 of Title 4, unless there
7 is created a duplication in numbering, reads as follows:

8 The State Board of Agriculture shall maintain and post on its
9 website the directory of commercial pet breeders licensed pursuant
10 to the Commercial Pet Breeders Act of 2012. The Board shall post on
11 its website the directory of commercial pet breeders who have been
12 denied licensing, or whose licenses have been revoked.

13 SECTION 15. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 30.15 of Title 4, unless there
15 is created a duplication in numbering, reads as follows:

16 A. The Commercial Pet Breeders Act of 2012 shall not affect the
17 applicability of any other law, rule, order, ordinance, or other
18 legal requirement of the federal government, this state, or a
19 political subdivision of this state.

20 B. The Commercial Pet Breeders Act of 2012 shall not prevent a
21 municipality or county from prohibiting or further regulating by
22 order or ordinance, the possession, breeding, or selling of dogs or
23 cats.

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1 SECTION 16. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 30.16 of Title 4, unless there
3 is created a duplication in numbering, reads as follows:

4 A. There is hereby created in the State Treasury a revolving
5 fund for the Oklahoma Department of Agriculture, Food, and Forestry
6 to be designated the Commercial Pet Breeders Assistance Revolving
7 Fund. All monies accruing to the credit of the Commercial Pet
8 Breeders Assistance Revolving Fund are hereby appropriated and may
9 be budgeted and expended by the Department for the purposes set
10 forth in subsection C of this section. The fund shall be a
11 continuing fund not subject to fiscal year limitations and shall
12 consist of:

13 1. All monies received by the Department for sheltering of
14 seized animals pursuant to the Commercial Pet Breeders Act of 2012;
15 and

16 2. Money received by the Department in the form of gifts,
17 grants, reimbursements, or from any other source intended to be used
18 for the purposes specified by or collected pursuant to the
19 provisions of this section of the Commercial Pet Breeders Act of
20 2012.

21 B. The monies deposited in the Commercial Pet Breeders
22 Assistance Revolving Fund shall be excluded from budget and
23 expenditure limitations and shall at no time become part of the
24 general budget of the Department or any other state agency. Except

1 as provided for in this section, no monies from the Commercial Pet
2 Breeders Assistance Revolving Fund shall be transferred for any
3 purpose to any other state agency or any account of the Department
4 or be used for the purpose of contracting with any other state
5 agency or reimbursing any other state agency for any expense.

6 C. The Commercial Pet Breeders Assistance Revolving Fund shall
7 be utilized for defraying veterinary costs for animals in the event
8 of a removal of animals from a commercial pet breeder. The fund
9 may, in the discretion of the State Board of Agriculture, also be
10 used to defray costs associated with care of animals including, but
11 not limited to, feed and shelter.

12 SECTION 17. NEW LAW A new section of law not to be
13 codified in the Oklahoma Statutes reads as follows:

14 The State Auditor and Inspector shall conduct an audit of the
15 funds in the possession of the Board of Commercial Pet Breeders and
16 whatever remaining funds, minus existing liabilities on July 1,
17 2012, shall on a pro rata basis be distributed to any person who
18 donated or gifted funds to the Board of Commercial Pet Breeders,
19 except that the pro rata share of funds obtained by the Board of
20 Commercial Pet Breeders through fees or fines shall be transferred
21 to the Oklahoma Department of Agriculture, Food, and Forestry.

22 SECTION 18. NEW LAW A new section of law not to be
23 codified in the Oklahoma Statutes reads as follows:

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1 The State Board of Agriculture may promulgate emergency rules to
2 implement the provisions of the Commercial Pet Breeders Act of 2012.
3 All fees promulgated by the Board of Commercial Pet Breeders shall
4 be enforceable by the State Board of Agriculture. Any license
5 issued by the Board of Commercial Pet Breeders and in effect on June
6 30, 2012, shall be transferred to the Oklahoma Department of
7 Agriculture, Food, and Forestry.

8 SECTION 19. REPEALER 59 O.S. 2011, Sections 5001, 5002,
9 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013,
10 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024,
11 5025, 5026, 5027, 5028 and 5029, are hereby repealed.

12 SECTION 20. This act shall become effective July 1, 2012.

13 SECTION 21. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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18 53-2-10424 EK 05/07/12

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