

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1193

By: West (Rick)

AS INTRODUCED

An Act relating to livestock; amending 2 O.S. 2011, Sections 4-2, 4-3, 4-4, 4-5, 4-6, 4-7, 4-10, 4-11 and 4-13, which relate to livestock brands; defining terms; transferring certain branding duties to organization designated by the State Board of Agriculture; authorizing the Board or newly designated organization to assume duties under certain circumstances; updating references; authorizing the organization to charge reasonable fee for certified copies, application for registration, registration renewal and transfer of title; reserving certain cattle brand; authorizing the Board to reserve additional brands; amending 4 O.S. 2011, Section 270.2, which relates to enforcement of laws pertaining to livestock brands; eliminating Board duties relating to brand registry; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2011, Section 4-2, is amended to read as follows:

Section 4-2. For the purposes of this article:

1. "Animal" or "livestock" means any cattle, horse, or mule;

and

1 2. "Brand" means a permanent identification mark of which the
2 letters, numbers, and figures used are each three (3) inches or more
3 in length or diameter and are impressed into the hide of a live
4 animal either with a hot iron or by the process commonly referred to
5 as "cold" or "freeze" branding, and includes the location on the
6 animal. The term means both the mark and location;

7 3. "Organization" means a statewide livestock organization; and

8 4. "Statewide livestock organization" means an organization
9 headquartered in the state of Oklahoma that represents the majority
10 of livestock producers in Oklahoma.

11 SECTION 2. AMENDATORY 2 O.S. 2011, Section 4-3, is
12 amended to read as follows:

13 Section 4-3. The State Board of Agriculture ~~shall~~ may designate
14 a statewide livestock organization to approve brands for
15 registration, issue certificates, and serve as an adjudicating
16 committee in resolving conflicts. ~~It~~ The organization shall publish
17 a State Brand Book which shall contain a facsimile of each
18 registered brand with the owner's name and address. ~~The State Brand~~
19 Book shall also include laws and rules pertaining to the
20 registration of brands In the event the Board determines that the
21 statewide livestock organization fails to perform the duties
22 designated in the brand law or is no longer representative of the
23 majority of livestock producers in Oklahoma, the Board shall
24 designate a new statewide livestock organization or shall perform

1 the duties associated with the brand law, including maintenance of
2 the State Brand Book, receipt of fees for application processing and
3 other duties.

4 SECTION 3. AMENDATORY 2 O.S. 2011, Section 4-4, is
5 amended to read as follows:

6 Section 4-4. ~~The State Board of Agriculture~~ statewide livestock
7 organization shall be the legal custodian of county brand record
8 books which were maintained under prior laws. Upon request, the
9 ~~Board~~ organization shall provide a certified copy of the record of
10 any brand appearing in the county brand record books, ~~charging.~~ The
11 organization may charge a reasonable fee of One Dollar (\$1.00) for
12 each brand.

13 SECTION 4. AMENDATORY 2 O.S. 2011, Section 4-5, is
14 amended to read as follows:

15 Section 4-5. A. Any application for the registration of a
16 brand shall be:

17 1. On a form ~~prescribed~~ prepared by the ~~State Board of~~
18 ~~Agriculture~~ statewide livestock organization; and

19 2. Accompanied by a reasonable fee ~~of Twenty Dollars (\$20.00)~~
20 set by the organization for each brand.

21 B. The application for the registration of a brand shall show
22 the brand location to the following body regions of animals: right
23 or left shoulder, neck, rib, or hind quarter. Previously registered
24 brands are not affected.

1 C. The applicant shall list at least three distinct brands and
2 three locations in the preferred order.

3 SECTION 5. AMENDATORY 2 O.S. 2011, Section 4-6, is
4 amended to read as follows:

5 Section 4-6. A. It shall be unlawful for any person to
6 knowingly place upon any livestock a brand which has not been
7 registered with the ~~State Board of Agriculture~~ statewide livestock
8 organization if the brand duplicates one that is registered.

9 B. For purposes of this section, "duplication" means the use of
10 a similar brand in any location on the animal designated for a
11 registered brand.

12 SECTION 6. AMENDATORY 2 O.S. 2011, Section 4-7, is
13 amended to read as follows:

14 Section 4-7. A. The ~~State Board of Agriculture~~ statewide
15 livestock organization shall publish a revised State Brand Book at
16 least every five (5) years. Supplements may be published as
17 necessary.

18 B. Prior to publication of a revised State Brand Book all
19 registered brand owners and assignees shall be notified in writing
20 that the brand registrations are being terminated.

21 C. The organization shall set a reasonable renewal fee ~~of~~
22 ~~Twenty Dollars (\$20.00)~~ for the registration of each brand ~~shall be~~
23 ~~charged~~ for the ensuing five-year period or fraction thereof.

1 D. The State Brand Book and supplements shall be available to
2 the public at a price commensurate with the cost of preparation,
3 printing, and delivery thereof. Upon written request the ~~Board~~
4 organization shall provide without charge all brand books and
5 supplements to the county clerk and sheriff of each county, any
6 inspection agency, any livestock association, or any entity approved
7 by the ~~Board~~ organization.

8 SECTION 7. AMENDATORY 2 O.S. 2011, Section 4-10, is
9 amended to read as follows:

10 Section 4-10. The state reserves the brands of "B", "T", "PI+"
11 and "A" on the tailhead of cattle. It shall be unlawful for any
12 person other than authorized agents of the State Board of
13 Agriculture to use any of such brands. The Board may reserve
14 additional brands upon consultation with the statewide livestock
15 organization and promulgation of rules identifying the reserved
16 brand.

17 SECTION 8. AMENDATORY 2 O.S. 2011, Section 4-11, is
18 amended to read as follows:

19 Section 4-11. Only brands appearing in the current edition of
20 the State Brand Book or supplement thereto, shall be subject to
21 sale, assignment, transfer, devise, or bequest. The transfer of
22 title shall be recorded with the ~~State Board of Agriculture~~
23 statewide livestock organization. ~~The~~ A reasonable fee for
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1 recording the transfer of title shall be ~~Five Dollars (\$5.00)~~ set by
2 the organization.

3 SECTION 9. AMENDATORY 2 O.S. 2011, Section 4-13, is
4 amended to read as follows:

5 Section 4-13. The brand known as the "Dog Iron" brand, as shown
6 and listed on page 107 at line 23 of the 1950 Oklahoma Brand Book,
7 and which brand was used during his lifetime by the late Will Rogers
8 of Oologah and Claremore, Oklahoma, shall be reserved to the State
9 of Oklahoma for historical purposes. It shall be unlawful for any
10 person to use the brand for the branding or marketing of animals,
11 provided that the ~~State Board of Agriculture~~ statewide livestock
12 organization may register the brand in the name of any blood
13 relative or descendant of Will Rogers, so the brand may be
14 perpetuated and preserved for historical purposes and in honor of
15 the memory of Will Rogers.

16 SECTION 10. AMENDATORY 4 O.S. 2011, Section 270.2, is
17 amended to read as follows:

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

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

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

12 SECTION 11. This act shall become effective November 1, 2017.

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