

1 **SENATE FLOOR VERSION**

2 April 12, 2017

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 1193

By: West (Rick) of the House

and

Pederson and Fields of the
Senate

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8
9 **[livestock - brands - reasonable fee for certified**
10 **copies, application for registration, registration**
11 **renewal and transfer of title - laws pertaining to**
12 **livestock brands - effective date]**

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

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

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

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

18 ~~and~~

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

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

2 4. "Statewide livestock organization" means an organization
3 headquartered in the state of Oklahoma that represents the majority
4 of livestock producers in Oklahoma.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 D. The State Brand Book and supplements shall be available to
21 the public at a price commensurate with the cost of preparation,
22 printing, and delivery thereof. Upon written request the ~~Board~~
23 organization shall provide without charge all brand books and
24 supplements to the county clerk and sheriff of each county, any

1 inspection agency, any livestock association, or any entity approved
2 by the ~~Board~~ organization.

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

5 Section 4-10. The state reserves the brands of "B", "T", "PI+"
6 and "A" on the tailhead of cattle. It shall be unlawful for any
7 person other than authorized agents of the State Board of
8 Agriculture to use any of such brands. The Board may reserve
9 additional brands and promulgate rules identifying the reserved
10 brand.

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

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

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

22 Section 4-13. The brand known as the "Dog Iron" brand, as shown
23 and listed on page 107 at line 23 of the 1950 Oklahoma Brand Book,
24 and which brand was used during his lifetime by the late Will Rogers

1 of Oologah and Claremore, Oklahoma, shall be reserved to the State
2 of Oklahoma for historical purposes. It shall be unlawful for any
3 person to use the brand for the branding or marketing of animals,
4 provided that the ~~State Board of Agriculture~~ statewide livestock
5 organization may register the brand in the name of any blood
6 relative or descendant of Will Rogers, so the brand may be
7 perpetuated and preserved for historical purposes and in honor of
8 the memory of Will Rogers.

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

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

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

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

1 ~~their duties, a strict accounting of all funds to the Board and on~~
2 ~~other terms and conditions as the Board may deem necessary, in a~~
3 ~~penal sum as the Board may require. All fees and monies shall be~~
4 ~~deposited in the State Department of Agriculture Trust Fund.~~

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

6 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
7 April 12, 2017 - DO PASS AS AMENDED
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