

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SUBCOMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 2841

By: Caldwell (Trey)

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to agriculture; amending 2 O.S. 2021,
9 Section 6-310, which relates to agriculture law
10 enforcement agents; establishing a minimum salary for
11 certain periods; providing methodology for
12 calculating minimum salary for certain periods;
13 providing limitation related to potential reductions;
14 providing an effective date; and declaring an
15 emergency.

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

17 SECTION 1. AMENDATORY 2 O.S. 2021, Section 6-310, is
18 amended to read as follows:

19 Section 6-310. A. The Commissioner of the State Board of
20 Agriculture may commission, subject to the approval of the Board,
21 agriculture law enforcement agents.

22 B. Agriculture law enforcement agents, when commissioned,
23 shall:
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1 1. Have all the powers of peace officers except the serving or
2 execution of civil process other than the execution of civil process
3 related to the Oklahoma Agricultural Code;

4 2. Have in all parts of the state the same powers with respect
5 to criminal matters and enforcement of the laws relating thereto as
6 sheriffs, highway patrol, and police officers in their respective
7 jurisdictions;

8 3. Enforce the civil, criminal, and administrative provisions
9 relating to livestock theft, animal health and importation statutes
10 and theft of farming equipment and farm implements, as well as any
11 other law contained in the Oklahoma Agricultural Code;

12 4. Possess all immunities and matters of defense now available
13 or hereafter made available to sheriffs, highway patrol and police
14 officers in any suit brought against them in consequence of acts
15 done in the course of their employment; and

16 5. Comply with the provisions of Section 3311 of Title 70 of
17 the Oklahoma Statutes.

18 C. Agriculture law enforcement agents specifically:

19 1. Are vested with the power and authority of sheriffs in
20 making arrests for violations of the Oklahoma Agricultural Code and
21 in the enforcement of nonagriculture-related crimes in cooperation
22 with other law enforcement officers and agencies as authorized by
23 the Board and approved by the Governor of the State of Oklahoma;

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1 2. May take into possession any farming equipment or farm
2 implement and any and all livestock, or any part thereof, killed,
3 taken, shipped or had in possession contrary to the law. Such
4 livestock or parts thereof may be disposed of as determined by the
5 Commissioner or any court of competent jurisdiction;

6 3. May make a complaint and cause proceedings to be commenced
7 against any person for violation of any of the laws relating to the
8 Oklahoma Agricultural Code or relating to theft of livestock and of
9 farming equipment or farm implements, with the sanction of the
10 prosecuting or district attorney of the county in which the
11 proceedings are brought, and shall not be required to give security
12 for costs;

13 4. In connection with the enforcement of the civil, criminal,
14 and administrative provisions, shall have the express authority to
15 stop the transportation or movement of any animal or farming
16 equipment or farm implement within this state and shall have the
17 right to enter upon all premises, posted, or otherwise, when
18 necessary for enforcement of the laws of this state;

19 5. Shall be under the control and direction of the
20 Commissioner. The Commissioner may, at any time, remove any powers
21 or authority of arrest conferred by the Commissioner; and

22 6. Shall have the right to carry firearms as authorized by the
23 Commissioner.

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1 D. All agriculture law enforcement agents commissioned as
2 provided in subsection A of this section shall be provided a salary
3 as follows:

4 1. For the state fiscal years beginning on or after July 1,
5 2023, and ending on or prior to June 30, 2025, an amount no less
6 than ninety percent (90%) of the average salary paid to the rank of
7 Trooper for the Oklahoma Highway Patrol Division of the Department
8 of Public Safety during the state fiscal year ending June 30, 2022;
9 and

10 2. Starting with the state fiscal year beginning on July 1,
11 2025, and in each state fiscal year that begins in an odd-numbered
12 calendar year thereafter, such salary shall be adjusted to be no
13 less than ninety percent (90%) of the average salary paid to the
14 rank of Trooper for the Oklahoma Highway Patrol Division of the
15 Department of Public Safety during the most recent state fiscal year
16 ending in an even-numbered calendar year; provided that no
17 adjustment shall be made that would result in the reduction of an
18 applicable salary amount.

19 SECTION 2. This act shall become effective July 1, 2023.

20 SECTION 3. It being immediately necessary for the preservation
21 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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