STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 1402 By: Easley of the Senate

and

Leist of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to agriculture; amending 2 O.S. 1991, Sections 1-2 and 1-3, as last amended by Section 1, Chapter 138, O.S.L. 1996 (2 O.S. Supp. 1999, Section 1-3), which relate to the establishment of the State Department of Agriculture and definitions; deleting obsolete language; modifying and adding certain definitions; amending 2 O.S. 1991, Sections 2-1, 2-2, 2-3, 2-4, as last amended by Section 10, Chapter 413, O.S.L. 1999, 2-5, as amended by Section 247, Chapter 145, O.S.L. 1993, 2-6, 2-7, 2-8, 2-9, 2-10, 2-11a, 2-11b, Section 1, Chapter 65, O.S.L. 1998, 2-12, 2-14, 2-16, 2-18, 2-19, 2-20, 2-21, 2-23, 2-26, as amended by Section 15, Chapter 278, O.S.L. 1993, and 2-27 (2 O.S. Supp. 1999, Sections 2-4, 2-5, 2-11c and 2-26), which relate to membership of the State Board of Agriculture, travel expenses, officers of the Board, powers of the Board, status of the Board, advisory committees, records and files used as evidence, rules having the force and effect of the law, certified copies as evidence, cooperative contracts, fees, the State Department of Agriculture revolving fund, Made in Oklahoma and Grown in Oklahoma programs, powers and duties of the Department, needs of state entities, unpaid checks, right of access, duties of the district attorney and peace officers, penalties, purpose of analytical laboratory, tolerances, time of operation of laboratory, disposition of fees, Emergency Insect Control Special Fund, Indemnity Fund and interference with an authorized agent; deleting obsolete language; clarifying language; adding and removing certain powers of the State Board of Agriculture; requiring the Board to file certain schedule of fees in accordance with the Administrative Procedures Act; providing procedures for right of access for implementation of the Oklahoma Agriculture Code or rules adopted by the Board; authorizing peace officers to assist in the detection and apprehension of all persons violating the Code; authorizing administrative penalties; providing procedures; modifying fund and purposes to which certain fees shall be deposited; modifying authorized purposes of the Emergency Insect Control Special Fund; modifying purpose of State Indemnity Special Fund; making it unlawful for any person to interfere with an authorized agent in performance of

official duties; amending 2 O.S. 1991, Sections 4-2, 4-3, 4-4, 4-5, as amended by Section 1, Chapter 117, O.S.L. 1994, 4-6, 4-7, as amended by Section 2, Chapter 117, O.S.L. 1994, 4-8, 4-9, 4-10, as amended by Section 2, Chapter 138, O.S.L. 1996, 4-11, as amended by Section 3, Chapter 117, O.S.L. 1994, 4-12 and 4-13 (2 O.S. Supp. 1999, Sections 4-5, 4-7, 4-10 and 4-11), which relate to brands; deleting obsolete language; clarifying language; authorizing the State Board of Agriculture to establish fees for obtaining records of and for registering and renewing brands; requiring Board to publish Brand Book at least every five years; changing fund to which certain funds are to be deposited; deleting requirement that certain brands be used for certain purposes; authorizing Board to establish fee for transfer of brands; amending 2 O.S. 1991, Sections 5-2, 5-6, 5-21, as amended by Section 1, Chapter 272, O.S.L. 1998, 5-21.1, as amended by Section 2, Chapter 272, O.S.L. 1998, Section 3, Chapter 272, O.S.L. 1998, 5-22, 5-23, as amended by Section 4, Chapter 272, O.S.L. 1998, 5-24, 5-25, as amended by Section 5, Chapter 272, O.S.L. 1998, 5-25.1, 5-26, as amended by Section 6, Chapter 272, O.S.L. 1998, 5-27, 5-28, as last amended by Section 7, Chapter 272, O.S.L. 1998, 5-59, Section 1, Chapter 87, O.S.L. 1996, 5-61a, 5-61b, 5-61c, 5-61d, 5-61e, 5-61f, 5-61g, 5-61h, 5-61i, 5-61j, 5-61k, 5-61l, 5-61m, 5-62.1, 5-62.2, 5-62.3, 5-62.4, 5-62.5, 5-62.6, 5-62.7, 5-62.8, 5-62.9, 5-301, 5-302, 5-303, 5-304, 5-305, 5-306 and 5-307 (2 O.S. Supp. 1999, Sections 5-21, 5-21.1, 5-21.2, 5-23, 5-25, 5-26, 5-28 and 5-60), which relate to marketing of agricultural products; deleting obsolete language; clarifying language; removing inspection and grading of agricultural products from duties of Board; modifying certain definitions; making it unlawful for certain persons to deny access to records; providing exemptions from certain statutory requirements for certain producers; adding definitions for weights and measures; recognizing National Conference on Weights and Measures; authorizing the National Institute of Standards and Technology as the state's reference standards of weights and measures; modifying the duties of the Board; modifying certain fee limitation; modifying certain rules for enforcement of act; modifying definitions used in the Oklahoma Service Technician and Service Agency Act; deleting certain penalty; authorizing the Board to set date of license expiration; deleting certain fees pertaining to licensing a service agency or service technician; requiring the board of control to check equipment calibrated and certified by another state; modifying penalties; modifying purpose of the Oklahoma Organic Food Act; adding and modifying definitions; modifying procedures for licensing; giving Board authority to modify fee for licensing; modifying procedures for certification of land meeting requirements as organically managed; modifying record keeping requirements; modifying penalties; amending 2 O.S. 1991, Sections 9-20, 9-21, as amended by Section 1, Chapter 10, O.S.L. 1997, 9-23, as amended by Section 3, Chapter 10, O.S.L. 1997, 9-24, as amended by Section 4, Chapter 10, O.S.L. 1997, 9-25, as amended

by Section 5, Chapter 10, O.S.L. 1997, 9-26, as amended by Section 6, Chapter 10, O.S.L. 1997, 9-27, as amended by Section 7, Chapter 10, O.S.L. 1997, 9-31, as amended by Section 9, Chapter 10, O.S.L. 1997, 9-32, as amended by Section 10, Chapter 10, O.S.L. 1997, 9-33, as amended by Section 11, Chapter 10, O.S.L. 1997, 9-34, as last amended by Section 6, Chapter 157, O.S.L. 1999, 9-35, as last amended by Section 31, Chapter 5, 1st Extraordinary Session, O.S.L. 1999, 9-36, as last amended by Section 32, Chapter 5, 1st Extraordinary Session, O.S.L. 1999, 9-37, as last amended by Section 33, Chapter 5, 1st Extraordinary Session, O.S.L. 1999, 9-39, as amended by Section 17, Chapter 10, O.S.L. 1997, 9-44, as amended by Section 19, Chapter 10, O.S.L. 1997, 9-46, as amended by Section 21, Chapter 10, O.S.L. 1997, 9-47.1, as amended by Section 23, Chapter 10, O.S.L. 1997, 9-131, 9-132, as last amended by Section 97, Chapter 133, O.S.L. 1997, 9-132.1, 9-133, as amended by Section 2, Chapter 185, O.S.L. 1996, 9-134, as amended by Section 4, Chapter 185, O.S.L. 1996, 9-135, 9-136, 9-138, as amended by Section 3, Chapter 185, O.S.L. 1996, 9-139 and 9-151 (2 O.S. Supp. 1999, Sections 9-21, 9-23, 9-24, 9-25, 9-26, 9-27, 9-31, 9-32, 9-33, 9-34, 9-35, 9-36, 9-37, 9-39, 9-44, 9-46, 9-47.1, 9-132, 9-133, 9-134 and 9-138), which relate to the Warehouses, Livestock Auction Markets and Feed Yards; deleting obsolete language; clarifying language; modifying definitions; restricting State Board of Agriculture's authority to establish a date of loss; removing requirement that a licensed weigher and grader fill out scale tickets; requiring correct and accurate scales and equipment; modifying punishment for certain violations; modifying authority for assessments for the Commodity Storage Indemnity Fund; modifying how interest of fund may be used; providing exception; deleting certain definitions for Livestock Auction Market Act; modifying number of days funds before which may be withdrawn from money market savings account for auctions ceasing operation; modifying certain notice requirement; authorizing Board to specify expiration of licenses; modifying penalties; modifying definitions; amending 2 O.S. 1991, Sections 11-1, as amended by Section 3, Chapter 231, O.S.L. 1999, 11-2 and 11-6 (2 O.S. Supp. 1999, Section 11-1), which relate to penalties, fees and licenses; deleting obsolete language; clarifying language; deleting procedural requirements for assessing certain fines, fees and charges; modifying penalties; stating that no fines or fees shall be increased by the State Department of Agriculture until promulgated by the Administrative Procedures Act; amending 2 O.S. 1991, Sections 12-1 and 12-2, which relate to agreements with Wildlife Services regarding control and management of predatory animals and wildlife damage and agents authorized to bear arms; clarifying language; deleting obsolete language; modifying procedures for wildlife damage management for certain animals causing certain damage; amending 2 O.S. 1991, Section 104c, as last amended by Section 1, Chapter 15, O.S.L. 1998 (2 O.S. Supp. 1999, Section 104c), which relates to the board of directors; stating

qualifications for certain electors; providing certain information to qualify electors; providing for publication of notice; stating parameters for unfulfilled terms; amending 83 O.S. 1991, Sections 1, 3, 3.1, 4, 5, 6 and 8, which relate to weights and measures; reducing authority of board of control; deleting obsolete language; and clarifying language; repealing 2 O.S. 1991, Sections 1-4, Section 2, Chapter 7, O.S.L. 1996, 2-13A, 2-13B, 2-15, 2-17, 2-17A, 2-24, Section 1, Chapter 13, O.S.L. 1996, 4-1, 4-14, 5-1, 5-3, 5-4, 5-5, 5-7, 5-8, 5-29, 5-30, 5-61n, 5-62.10, 5-80, 9-1, 9-47, as amended by Section 22, Chapter 10, O.S.L. 1997, 9-137, 11-3, 11-5, 11-7, 11-8, 11-9 and 12-3 (2 O.S. Supp. 1999, Sections 2-4a, 2-28 and 9-47), and 83 O.S. 1991, Sections 2 and 7, which relate to definitions, the State Board of Agriculture, livestock barns, marketing, warehouses, livestock auction markets, market news, miscellaneous sections, predatory and rodent control, weights and measures, and the Bureau of Standards; providing for codification; providing for noncodification; providing for recodification; and declaring an emergency.

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

SECTION 1. AMENDATORY 2 O.S. 1991, Section 1-2, is amended to read as follows:

Section 1-2. The State Department of Agriculture~~, which is hereby established,~~ shall consist of the State Board of Agriculture ~~and~~, the divisions ~~herein and hereafter established~~, and ~~such~~ other positions and offices as ~~may be~~ established by law and by the ~~State~~ Board ~~of Agriculture~~.

SECTION 2. AMENDATORY 2 O.S. 1991, Section 1-3, as last amended by Section 1, Chapter 138, O.S.L. 1996 (2 O.S. Supp. 1999, Section 1-3), is amended to read as follows:

Section 1-3. ~~A.~~ For the purposes of ~~this act, Section 1-1 et seq. of this title and as used herein,~~ the Oklahoma Agricultural Code, unless the context indicates otherwise:

1. ~~"Code" shall mean this act as originally enacted and hereafter amended~~ "Authorized agent" means a person who has been authorized by the State Board of Agriculture to act on behalf of the Board in making investigations, inspections, performing other

services, or doing any particular act or acts which have been vested by the Oklahoma Agricultural Code in the Board. A written or printed commission signed by the President of the Board shall be proof that the holder has lawful authority to act on behalf of the Board in implementing the Oklahoma Agricultural Code;

2. ~~"Department" shall mean the State Department of Agriculture~~ "Board" means the State Board of Agriculture;

3. ~~"Board" shall mean the State Board of Agriculture~~ "Code" means the Oklahoma Agricultural Code;

4. ~~"President" shall mean the President of the State Board of Agriculture and shall also be designated as the Commissioner of Agriculture~~ "Department" means the State Department of Agriculture and its employees, officers, and divisions;

5. "Director" ~~shall mean~~ means the Director of ~~the~~ a division ~~indicated~~ established in the State Department of Agriculture;

6. ~~"Authorized agent" shall mean a person who has been authorized by the State Board of Agriculture to act on its behalf in making investigations or inspections or in performing other services or in doing any particular act or acts which have been vested by this act in the State Board of Agriculture; and a written or printed commission signed by the President of the State Board of Agriculture shall be accepted by all persons that the holder thereof has lawful authority to act on behalf of the State Board of Agriculture as indicated by such commission, and he shall thereby have the right and authority to enter any building or place of business, or go upon any premises, farm or other place, for the purpose of so acting for the Board~~ "License" means a written document issued by the Board granting authority to a person to engage in a business, occupation, or activity;

7. ~~"Stop sale order" shall mean a written or printed order signed by the President or an authorized agent of the State Board of Agriculture, prohibiting the sale or offering for sale or exposure~~

~~for sale of any agricultural product or any other thing, article or commodity covered by the terms of this act~~ "Livestock" or "animals" means any cattle, bison, horses, sheep, goats, asses, mules, swine, and chickens, turkeys, and other domesticated fowl, and any animal or bird in captivity;

8. ~~"Person" shall mean any individual, company, corporation, partnership, society, association, or other legal entity; and~~ "Permit" means a written document issued by the Board giving consent for a person to engage in an activity;

9. ~~"Livestock" and "animals" shall be deemed to include any cattle, horses, sheep, goats, asses, mules, swine, and chickens, turkeys and other domesticated fowl, and any animal, ratite or psittacine in captivity. For purposes of this act, dogs, cats and other household pets shall not be included in the definition of "livestock" and "animals"~~ "Person" means the state, any municipality, political subdivision, institution, individual, public or private corporation, partnership, or other legal entity;

10. "President" means the President of the State Board of Agriculture. The President of the State Board of Agriculture shall also be designated as the Commissioner of Agriculture;

11. "Producer" means any person planting, raising, growing, or harvesting agricultural products;

12. "Quarantine" means a written document issued by the Board to restrict the movement of animals, birds, plants, or agricultural commodities into or out of a specified area for the control or prevention of diseases or pests; and

13. "Stop sale order" or "stop use order" means a written or printed order signed by the President or authorized agent of the Board, prohibiting the sale, offering for sale, exposure for sale, or use of any agricultural product, article, device, service, or commodity covered by the Oklahoma Agricultural Code.

SECTION 3. AMENDATORY 2 O.S. 1991, Section 2-1, is amended to read as follows:

Section 2-1. A. The State Board of Agriculture, which shall be the Board of Agriculture, created by Section 31, Article 6, Oklahoma Constitution, shall consist of five (5) members appointed by the Governor, ~~by and~~ with the advice and consent of the Senate~~, and~~. The members shall be farmers who ~~shall~~ have ~~had at~~:

1. At least five (5) years practical experience during the ten (10) years ~~next~~ immediately preceding their appointment~~,~~; and ~~shall have lived~~

2. Lived on and operated a farm after reaching the age of twenty-one (21) years.

B. For the purpose of ~~such~~ appointments to the Board, five ~~(5)~~ agricultural commodities districts are ~~hereby~~ created ~~to~~ and shall consist of the following counties:

DISTRICT NO.	COUNTIES
1	Alfalfa, Beaver, Blaine, Canadian, Cimarron, Custer, Dewey, Ellis, Garfield, Grant, Harper, Kingfisher, Major, Texas, Woods and Woodward.
2	Craig, Creek, Delaware, Kay, Lincoln, Logan, Mayes, Noble, Nowata, Osage, Ottawa, Pawnee, Payne, Rogers and Washington.
3	Beckham, Caddo, Carter, Comanche, Cotton, Grady, Greer, Harmon, Jackson, Jefferson, Kiowa, Love, Roger Mills, Stephens, Tillman and Washita.
4	Atoka, Bryan, Cleveland, Coal, Garvin, Hughes, Johnston, McClain, Marshall, Murray, Okfuskee, Oklahoma, Pontotoc, Pottawatomie and Seminole.
5	Adair, Cherokee, Choctaw, Haskell, Latimer, LeFlore, McCurtain, McIntosh, Muskogee, Okmulgee, Pittsburg, Pushmataha, Sequoyah, Tulsa and Wagoner.

C. One member of the Board shall be appointed from each ~~such~~ district. ~~Members now serving on said Board, shall continue to serve for the terms for which they were appointed, and at the expiration of each of said terms, and every five (5) years thereafter, the successor of the outgoing member~~. Members of the Board shall be appointed for a term of five (5) years. In case of vacancy caused by the removal, death, resignation, or disability of any member, the Governor shall ~~fill the same by appointment as in other cases, such~~ appoint a new member from the same district for which a vacancy was vacated to serve for the unexpired term~~, unless sooner removed for cause~~.

SECTION 4. AMENDATORY 2 O.S. 1991, Section 2-2, is amended to read as follows:

Section 2-2. Members of the State Board of Agriculture shall receive actual expenses of travel pursuant to the State Travel Reimbursement Act. The Board shall meet once each month in regular session but not more than six (6) days in any calendar month. Special meetings of the Board may be held ~~whenever and wherever called~~ at such time and place as set by the President or ~~whenever~~ at the time and place petitioned for by three members ~~thereof~~ of the Board.

SECTION 5. AMENDATORY 2 O.S. 1991, Section 2-3, is amended to read as follows:

Section 2-3. The President of the State Board of Agriculture shall be elected by the Board from its membership, and shall serve at the pleasure of the Board. ~~He~~ The President shall be the executive officer of the Board, and, in the absence of the Board, shall, subject to ~~its~~ approval of the Board, perform all of the duties imposed by law ~~upon it, and he shall be paid such compensation as may be determined by the other members of the Board~~. The Board shall elect a Secretary, who shall not be a member of the

Board, and shall fix the ~~compensation and~~ duties of the person ~~so~~ appointed.

SECTION 6. AMENDATORY 2 O.S. 1991, Section 2-4, as last amended by Section 10, Chapter 413, O.S.L. 1999 (2 O.S. Supp. 1999, Section 2-4), is amended to read as follows:

Section 2-4. The State Board of Agriculture shall have the ~~following powers, which shall be in addition~~ power to ~~those given in other parts of this Code~~:

A. 1. Adopt and prescribe the use of a seal, which shall be in the custody of the Secretary of the Board;

2. Promulgate ~~such~~ rules ~~as by the Board shall be deemed~~ necessary, expedient, or appropriate to the performance, enforcement, or carrying out ~~of~~ any of the purposes, objectives, or provisions of ~~this~~ the Oklahoma Agricultural Code;

3. Initiate and prosecute administrative, civil, or criminal actions and proceedings ~~when deemed~~ necessary ~~to enforce or carry out any of the provisions of this~~ under the Oklahoma Agricultural Code;

4. Appoint authorized agents to make inspections or investigations and to perform other services for the Board or any division of the State Department of Agriculture;

5. Consolidate any of the divisions established by ~~this~~ the Oklahoma Agricultural Code, ~~or~~ transfer any of the functions or activities ~~thereof~~ to another division, place additional functions or activities in a division, establish new divisions, and create new or additional positions in the Department, when ~~deemed~~ conducive to a more efficient administration and enforcement of laws pertaining to agriculture;

6. Sell, exchange, or ~~otherwise~~ dispose of property ~~that has been acquired by the State Department of Agriculture, when such property becomes obsolete or is no longer needed by the Department~~;

7. Have jurisdiction over all matters affecting animal industry, animal health, and animal quarantine ~~regulation~~;

8. Issue stop-sale and stop-use orders and ~~quarantine regulations~~ quarantines;

9. Employ, appoint, or contract ~~with~~ and fix the duties and compensation of the director of each division of the Department ~~and such technicians, inspectors, stenographers, clerks, aides, supervisors, investigators, attorneys~~ and other personnel ~~and help~~, either on a full-time, part-time, or contractual basis, as ~~in the judgment and discretion of the Board shall be~~ deemed necessary by the Board~~, expedient or appropriate to the performance or carrying out of any of the purposes, objectives or provisions of this Code~~;

10. Fix the qualifications of the personnel in the ~~State~~ Department ~~of Agriculture, and require any official or employee of the State Department of Agriculture to furnish a bond for the faithful performance of duty, or for the faithful accounting of public funds coming into his hands, or for any other purpose, and the premium on any such bond shall be paid from funds that are available for the operation of the State Department of Agriculture~~;

11. Accept and use~~, for any purpose designated, and on the terms and conditions thereof,~~ grants of money and other property from ~~the federal government or any department or agency thereof and from any state or state agency and from~~ any ~~other~~ source;

12. ~~Enter~~ Advise, consult, cooperate, and enter into ~~cooperative~~ agreements or contracts with ~~the federal government or any state, or any department or agency of either~~ persons as defined in the Oklahoma Agricultural Code;

13. Coordinate ~~the various activities of the Department~~ with ~~those of~~ the federal government and other states on matters pertaining to agriculture~~, and enter into agreements for such purpose~~;

14. Revoke, ~~or~~ suspend, or deny for ~~any period~~ up to one (1) year, any license, permit, or charter issued by the Board ~~or any division of the Department, when~~ if the Board finds ~~that the holder of such license has violated~~ any violations of ~~the provisions of this~~ the Oklahoma Agricultural Code or any rule of the Board;

15. Adopt a master plan and promulgate rules ~~and regulations~~ for the protection of ~~both~~ state-owned and private forestry, grazing, and other lands from damage by fire and for suppressing fires on ~~such~~ lands. In carrying out ~~said~~ the master plan the Board is ~~hereby~~ authorized to enter into contractual agreements with the federal government, local political subdivisions of the state ~~and with~~, individuals, private organizations, companies, and corporations for protection ~~from~~ and for the suppression of ~~such~~ fires and ~~for such purposes~~ to expend funds as ~~may be~~ available for ~~such~~ these services. To effectuate the purposes of ~~this act~~ the Oklahoma Agricultural Code, the Board is ~~hereby~~ authorized to enter into contractual agreements with private landowners for ~~such~~ the protection and suppression of fires~~;~~, provided~~, however,~~ that ~~such~~ the private landowners ~~shall~~ reimburse the Board for actual expenses incurred in the protection and suppression of fires on privately owned lands~~, pursuant to this act~~;

16. Have jurisdiction over all matters affecting agriculture as contained and set out in ~~this title~~ the Oklahoma Agricultural Code, which have not been expressly delegated to another state or federal agency. The Department of Environmental Quality shall have environmental jurisdiction over:

a. (1) commercial manufacturers of fertilizers, grain and feed products, and chemicals, and over manufacturing of food and kindred products, tobacco, paper, lumber, wood, textile mill, and other agricultural products,

(2) slaughterhouses, but not including feedlots at ~~such~~ these facilities, and

(3) aquaculture and fish hatcheries, including, but not limited to, discharges of pollutants and storm water to waters of the state, surface impoundments and land application of wastes and sludge, and other pollution originating at ~~such~~ these facilities, and

b. facilities ~~which store~~ storing grain, feed, seed, fertilizer, and agricultural chemicals that are required by federal regulations to obtain a federal National Pollutant Discharge Elimination ~~System~~ Systems permit for storm water discharges shall only be subject to the jurisdiction of the Department of Environmental Quality with respect to ~~such~~ storm water discharges.

Any point source discharge related to agriculture, as specified in paragraph 1 of subsection D of Section 1-3-101 of Title 27A of the Oklahoma Statutes, which require a federal National Pollutant Discharge Elimination Systems permit and which are not specified under subparagraphs a and b of this paragraph as being subject to the jurisdiction of the Department of Environmental Quality shall continue to be subject to the direct jurisdiction of the federal Environmental Protection Agency for issuance and enforcement of such permit and shall not be required to be permitted by the Department of Environmental Quality or the Department of Agriculture; ~~and~~

17. Have jurisdiction over all matters affecting the importation, health, and quarantining of exotic livestock ~~in the same manner and with the same authority over livestock as is delegated to the Board by this title. For purposes of this paragraph, the term "exotic livestock" means commercially raised~~

~~animals of the families bovidae, cervidae, antilocapridae and ratites, and animals of the order Galliformes~~;

18. Prescribe forms of application, certification, licenses, charters, and other forms and blanks as may be necessary to carry out the provisions of the Oklahoma Agricultural Code;

19. Stagger throughout the year the renewal dates for any licenses or permits issued by the Department pursuant to the provisions of the Oklahoma Agricultural Code by notifying licensees in writing of the expiration and renewal date being assigned to the licensee and permittee and by making an appropriate adjustment in the fee charged for the license or permit;

20. Establish and collect fees for licenses, permits, charters, and services provided. The fees shall be promulgated in accordance with the Administrative Procedures Act and shall be fair and equitable to all parties concerned;

21. Establish planting and harvesting seasons for the purpose of meeting the maximum driving and on-duty time exemptions set forth in the National Highway System Designation Act of 1995. The Board shall notify the United States Secretary of Transportation of the seasons;

22. Fix and adopt official standards for grading and classifying any agricultural commodity, meat, or meat product prepared, produced, or distributed in Oklahoma;

23. Promulgate rules, make investigations, and conduct hearings for the purpose of making inspection compulsory on any agricultural commodity and designate the shipping points where compulsory inspection applies;

24. Inspect agricultural commodities, at any time, upon request of any financially interested party or when necessary and to issue certificates showing the quality and condition of the commodities at the time of the inspection;

25. Grade meat or meat products upon the request of any packing plant in Oklahoma. The packing plant shall be required to pay the cost of services, including the compensation and expenses of personnel employed to perform the actual grading;

26. Apply to the district court for a temporary or permanent injunction or any other remedy restraining any person from violating the Oklahoma Agricultural Code;

27. Extend and implement the powers and provisions granted by the Oklahoma Agricultural Code to all programs administered by the Department regardless of whether the statutes creating the program are codified in this title; and

28. Exercise all incidental powers which are necessary and proper to implement and administer the purposes of the Oklahoma Agricultural Code.

B. 1. If upon inspection or investigation, or whenever the State Department of Agriculture determines that there are reasonable grounds to believe that any person is in violation of any part of the Oklahoma Environmental Quality Code which is the responsibility and jurisdiction of the State Department of Agriculture, any rule promulgated by the State Board of Agriculture, or of any order, permit, certificate, registration, charter, or license issued by the Board, the Department may give written notice to the alleged violator of the specific violation and of the alleged violator's duty to correct the violation immediately or within a set time period or both and that the failure to do so shall result in administrative fines or penalties.

2. Whenever the Department finds that an emergency exists requiring immediate action to protect the public health, welfare, or the environment, the President of the State Board of Agriculture may without notice or hearing issue an order, effective upon issuance, reciting the existence of an emergency and requiring that action be taken as specified in the order to meet the emergency. Any person

to whom an order is directed shall comply immediately but may request an administrative enforcement hearing within fifteen (15) days after the order is served. The hearing shall be held by the Department within ten (10) days after receipt of the request. On the basis of the hearing record, the President of the Board shall sustain or modify the original order.

SECTION 7. AMENDATORY 2 O.S. 1991, Section 2-5, as amended by Section 247, Chapter 145, O.S.L. 1993 (2 O.S. Supp. 1999, Section 2-5), is amended to read as follows:

Section 2-5. ~~The~~ Except for matters which have been expressly delegated to another state agency, the State Board of Agriculture shall be the official agency of the State of Oklahoma in the relations of this state with the United States Department of Agriculture ~~or~~, any other federal agency, or any agency or person of this or another state~~,~~ on matters pertaining to sampling, inspection, and grading of agricultural products, and other regulatory matters in the field of agriculture ~~except for matters which have been expressly delegated to another state agency~~.

SECTION 8. AMENDATORY 2 O.S. 1991, Section 2-6, is amended to read as follows:

Section 2-6. The State Board of Agriculture shall have authority to appoint advisory or consulting committees from the ~~citizens~~ residents of the state who are interested in the various phases of agriculture, either in conservation, production, processing, regulation, or sale of agricultural products.

SECTION 9. AMENDATORY 2 O.S. 1991, Section 2-7, is amended to read as follows:

Section 2-7. The records, files, and books of the State Board of Agriculture shall be receivable as evidence ~~and the~~. The rules ~~and regulations~~ and orders of ~~said~~ the Board, when published, shall be ~~deemed and held to be~~ public notice and shall have the force and effect of law and be judicially noticed and considered ~~as such where~~

~~such rules, orders and regulations are of general application, and when said~~. When orders of ~~said~~ the Board consist of local ~~or temporary~~ rules~~, regulations~~ or orders ~~for~~ of quarantine, the ~~same~~ order may be provable ~~as any other fact or~~ in ~~like~~ the same manner as ~~the action of a sheriff is provable by his return~~ a return of service.

SECTION 10. AMENDATORY 2 O.S. 1991, Section 2-8, is amended to read as follows:

Section 2-8. Duly-certified copies of any book, record, file, or proceeding, or any part ~~thereof~~, shall be competent as a matter of evidence in court when certified as ~~such~~ a copy ~~thereof~~ by the officer in charge of ~~such~~ the book, file, ~~or~~ record proceeding or part thereof or by the President or Secretary of the State Board~~, in like manner as the original archive, file, book, record or proceeding might be received~~ of Agriculture.

SECTION 11. AMENDATORY 2 O.S. 1991, Section 2-9, is amended to read as follows:

Section 2-9. The State Board of Agriculture may~~, whenever it deems such action proper,~~ enter into cooperative contracts and agreements with the United States Department of Agriculture, or any other federal or state agency, person, or firm~~, upon such terms and conditions as may be mutually agreed upon,~~ providing for the grading, sampling, or inspection of processed or unprocessed foods, livestock, poultry, seeds, fruits, vegetables, or other agricultural commodities and products. The Board shall promulgate a schedule of fees to be charged and collected under the provisions of this section from the person or agency for whom ~~such~~ the grading, sampling, or inspection service is rendered~~; provided, that the~~. The schedule of fees ~~adopted~~ shall be filed in the office of the Secretary of State in accordance with the Administrative Procedures Act and be open to the public, and any subsequent change in ~~such~~ the fees shall not be operative until ~~such~~ the change has been filed in

the office of the Secretary of State pursuant to the Administrative Procedures Act.

SECTION 12. AMENDATORY 2 O.S. 1991, Section 2-10, is amended to read as follows:

Section 2-10. A. There is hereby created in the State Treasury a fund to be known as the State Department of Agriculture Revolving Fund. All monies, fees, and revenues collected, authorized, or received from any source by the State Board of Agriculture or any division ~~or~~, officer, or employee of the State Department of Agriculture ~~under~~ pursuant to the provisions of ~~this code~~ the Oklahoma Agricultural Code or any law or agreement shall be ~~placed~~ deposited in ~~said Fund~~ the fund. ~~Said Fund~~

B. The fund shall be a continuing fund and shall be expended only for ~~the~~ purposes ~~herein~~ specifically authorized and ~~as~~ approved by a majority vote of the five (5) members appointed to and constituting the Board~~, or the~~. The President, in the absence of the Board, may approve disbursements ~~made pursuant to~~ for lawfully authorized purposes. ~~Such expenditures~~ Expenditures from ~~said Fund~~ the fund shall be made only for defraying the costs and expenses of providing inspection, sampling, grading, and other services authorized by the Board for which fees or other monies have been paid into ~~said Fund~~ the fund and for which other monies are not available for the payment of ~~such~~ services.

C. The Board shall have authority to employ and pay out of ~~said Fund~~ the fund ~~such~~ inspectors, graders, or other personnel as ~~may be~~ needed or required to conduct ~~the types of~~ authorized services ~~herein authorized~~.

D. All claims against ~~said Fund~~ the fund shall be paid only upon the majority approval of the Board, or the President~~,~~ in the absence of the Board.

SECTION 13. AMENDATORY 2 O.S. 1991, Section 2-11a, is amended to read as follows:

Section 2-11a. A. The ~~Oklahoma~~ State Department of Agriculture shall initiate and operate a "Made in Oklahoma" and a "Grown in Oklahoma" program for the purpose of promoting foods, products, and services produced within Oklahoma.

B. The programs shall be designed to:

1. Increase consumer awareness by identifying foods, products, or services with a "Made in Oklahoma" or a "Grown in Oklahoma" logo;

2. Increase purchase of Oklahoma foods ~~and~~, products, and services by Oklahomans and by out-of-state persons;

3. Expand and develop new markets ~~instate, national, or international~~ for Oklahoma-made foods, products, and services;

4. Attract ~~manufacturers~~ needed materials to ~~supply~~ Oklahoma processors ~~with needed materials~~; and

5. Educate ~~national, international and Oklahoma~~ consumers about Oklahoma foods, products, and services through an extensive and informative public relations campaign.

SECTION 14. AMENDATORY 2 O.S. 1991, Section 2-11b, is amended to read as follows:

Section 2-11b. A. To implement the Made in Oklahoma Program and the Grown in Oklahoma Program, the ~~Oklahoma~~ State Department of Agriculture shall:

1. Design a "Made in Oklahoma" logo and a "Grown in Oklahoma" logo for use by Oklahoma processors, providers, or growers;

2. Establish standards and requirements for ~~use in such~~ logos;

3. Establish fees for ~~use of such~~ logos; provided any Oklahoma processor, provider, or grower may acquire use of ~~such~~ the logos on their foods, products, or services free of charge for the first year after authorization for use;

4. Establish a task force to assist in ascertaining strengths and weaknesses of the program;

5. Cooperate with other state agencies and other organizations as needed in development of the program;

6. Foster conferences, institutes, and exhibits on Oklahoma-made products and services or Oklahoma-grown foods;

7. Publish reports, surveys, news bulletins, or other materials pertaining to its findings, recommendations, and work; and

8. Report to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate areas needing legislative or procedural changes to ~~promoting~~ help promote the purchase and use of Oklahoma-made products and services and Oklahoma-grown foods or to attract manufacturers to supply processors with needed materials.

B. The Department may apply for, accept, and use any gift, grant, or bequest from any source for the purpose of discharging its duties.

SECTION 15. AMENDATORY Section 1, Chapter 65, O.S.L. 1998 (2 O.S. Supp. 1999, Section 2-11c), is amended to read as follows:

Section 2-11c. A. As part of the "Made in Oklahoma" and "Grown in Oklahoma" programs established within the ~~Oklahoma~~ State Department of Agriculture, the Department, in cooperation with the Department of Central Services and the State Purchasing Director, shall develop and expand new markets and identify the needs of state agencies, institutions, universities, and other entities of state, municipalities, counties, and other political subdivisions of this state and federal agencies and institutions for Oklahoma-made and Oklahoma-grown agricultural products.

B. The Department shall serve as a communication link between the producers of Oklahoma agricultural products and the Department of Central Services and the State Purchasing Director or directly between the producers and the state, local, and federal entities for determining and satisfying the needs of ~~such~~ the state, local, and federal entities for agricultural products. Special emphasis shall be given by the program for the development of opportunities for

distribution and sale of surplus and oversupply of perishable products.

C. The Department ~~and~~, the Department of Central Services, and the State Purchasing Director shall provide ~~for~~ an expeditious process for the sale to and purchase of Oklahoma grown and produced agricultural products by state, local, and federal entities.

D. The Department shall inform producers of the identified needs of agricultural products by the state, local, and federal entities and shall assist ~~such~~ the producers in contract procedures with or through the Department of Central Services and the State Purchasing Director or directly with the state, local, or federal entity needing ~~such~~ the agricultural products.

SECTION 16. AMENDATORY 2 O.S. 1991, Section 2-12, is amended to read as follows:

Section 2-12. ~~Whenever~~ For accounting purposes only, when any check has been received by the State Board of Agriculture, or ~~by any division, officer or employee thereof, for~~ the State Department of Agriculture, and has remained unpaid for a period of more than five (5) years, and the ~~State~~ Board ~~of Agriculture~~ determines that ~~such~~ the check cannot be collected, the amount of ~~such~~ the check shall not be included or carried as an asset of the Board or any of its funds~~, for accounting purposes only~~.

SECTION 17. AMENDATORY 2 O.S. 1991, Section 2-14, is amended to read as follows:

Section 2-14. ~~It shall be the duty of the~~ A. The State Board of Agriculture ~~to enforce the provisions of this act. The Board~~ or its ~~duly~~ authorized agents shall have ~~free access at all reasonable hours to every establishment which sells or offers to sell meat or meat products to the public~~ the authority to enter any premises or mode of transportation during reasonable hours for the purpose of implementing the Oklahoma Agricultural Code or rules promulgated pursuant thereto.

B. The Board or its authorized agents shall have the authority to carry out all necessary and proper actions to determine compliance with the Oklahoma Agricultural Code including, but not limited to, conducting investigations, opening any bundle, package, or container of agricultural products, examining and making photocopies of records or documents, examining devices, and collecting and submitting samples for analysis.

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

SECTION 18. AMENDATORY 2 O.S. 1991, Section 2-16, is amended to read as follows:

Section 2-16. A. It shall be the duty of a district attorney to whom the State Board of Agriculture ~~or its agents report~~ reports a violation of ~~this act~~ the Oklahoma Agricultural Code to institute appropriate proceedings in the proper courts without delay and to prosecute ~~the same~~ in the manner provided by law.

B. When requested by an authorized agent of the Board, it may be the duty of every peace officer to assist in the detection and apprehension of all persons in violation of the Oklahoma Agricultural Code. Failure to perform such duty shall be cause for removal from office.

SECTION 19. AMENDATORY 2 O.S. 1991, Section 2-18, is amended to read as follows:

Section 2-18. A. After notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars ($100.00) and not more than Ten Thousand Dollars ($10,000.00) for

each violation. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

B. The Board may appoint hearing officers to conduct the hearings. Hearings shall be held at a location within the region in which the alleged violator resides or the violation occurred, or the central offices of the State Board of Agriculture in Oklahoma City, Oklahoma.

C. Any person~~, firm, association, or corporation~~ who ~~shall fail~~ fails to comply with the provisions of ~~this act~~ the Oklahoma Agricultural Code or rules promulgated by the Board shall be deemed guilty of a misdemeanor ~~and upon conviction thereof shall be fined not less than Twenty-five Dollars ($25.00) nor more than One Hundred Dollars ($100.00), or be imprisoned in the county jail not more than thirty (30) days for the first offense. For each second or successive conviction of such offense against this act the fine shall be not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), nor more than ninety (90) days imprisonment in the county jail, or both such fine and imprisonment~~ unless a violation of the Oklahoma Agricultural Code or rules promulgated thereto is specifically identified with a penalty or as a felony in the individual articles of the Oklahoma Agricultural Code.

SECTION 20. AMENDATORY 2 O.S. 1991, Section 2-19, is amended to read as follows:

Section 2-19. The State Department of Agriculture is ~~hereby~~ directed to establish, at the earliest practicable time, as a function of the ~~Oklahoma~~ State Department of Agriculture, analytical laboratory facilities ~~(hereinafter called the laboratory)~~ for the following purposes:

~~(1)~~ 1. Conducting analyses to determine the qualitative and quantitative amounts of pesticidal residues or other objectionable, harmful, or deficient materials in crops, foodstuffs, water, and

other materials destined for human consumption or for animal feeds including forage crops and whole grains which are shipped in intrastate commerce in Oklahoma or which are sold or to be sold for human consumption or for animal feeds in Oklahoma;

~~(2)~~ 2. Conducting tests and making qualitative and quantitative analyses to determine~~,~~:

~~(a)~~ a. the quality or wholesomeness of manufactured milk and manufactured dairy products,

~~(b)~~ b. diseases affecting animal health, and

~~(c)~~ c. various ingredients or components of feed, fertilizer, and pesticides; or

~~(3)~~ 3. Any other chemical tests or analyses concerning agricultural products regulated or monitored by the State Board of Agriculture.

SECTION 21. AMENDATORY 2 O.S. 1991, Section 2-20, is amended to read as follows:

Section 2-20. The State Department of Agriculture shall establish tolerances~~, where needed,~~ for pesticidal chemicals in foodstuffs and other materials destined for human consumption or animal feeds including forage crops and grains except where tolerances are established by the State Board of Health on foodstuffs or other materials for human consumption for which the State Board of Health has regulatory jurisdiction by law. Copies of ~~such~~ the tolerances shall be made available to any agency, person, group, company or other organization requesting the ~~same~~ tolerances.

SECTION 22. AMENDATORY 2 O.S. 1991, Section 2-21, is amended to read as follows:

Section 2-21. A. The ~~laboratory~~ State Department of Agriculture shall ~~be operated during such~~ determine the days and hours ~~as~~ of the operation of the State Department of Agriculture laboratory. The laboratory shall ~~establish to~~ conduct qualitative and quantitative analyses of pesticidal residues and other chemical

determinations of agricultural products contained in samples submitted, by any person, agency, group, ~~company~~ or other organization ~~requesting the same~~.

B. The ~~laboratory~~ State Board of Agriculture shall ~~establish, not more often than quarterly nor less often than annually,~~ promulgate a schedule of fees for work ~~to be~~ performed by the laboratory~~, which~~. The fees shall be calculated to help defray the costs of operating the laboratory including, but not limited to ~~costs of~~: salaries, chemicals, materials, equipment, and repairs to and replacement of materials, equipment, and buildings. ~~Such fees shall be~~ Fees paid by state offices and agencies utilizing the services of the laboratory shall be paid from their general appropriations.

~~Where analytical facilities are not available in the Department of Agriculture laboratory for a particular determination or test, authority~~

C. The Department is ~~hereby granted the Department of Agriculture~~ authorized to have ~~the~~ a test or determination made in a qualified laboratory other than the Department ~~of Agriculture~~ laboratory~~, and such other laboratory~~. Any determination or test made by another qualified laboratory shall be considered ~~as~~ official for that particular sample.

SECTION 23. AMENDATORY 2 O.S. 1991, Section 2-23, is amended to read as follows:

Section 2-23. All fees collected for analytical work ~~shall be deposited~~ in the laboratory shall be deposited in the State Department of Agriculture ~~Trust~~ Revolving Fund and shall be used solely to perform analytical work ~~provided in this act~~.

SECTION 24. AMENDATORY 2 O.S. 1991, Section 2-26, as amended by Section 15, Chapter 278, O.S.L. 1993 (2 O.S. Supp. 1999, Section 2-26), is amended to read as follows:

Section 2-26. ~~There~~ A. The Agriculture Emergency Insect Control Special Fund is hereby created in the State Treasury ~~a special fund~~ for the State Department of Agriculture~~, to be called the Department of Agriculture Emergency Insect Control Special Fund~~. ~~This fund shall consist~~ The fund consists of monies transferred to it from funds appropriated to the Department ~~of Agriculture~~ for this purpose. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall be under the control and management of the administrative authority of the Department ~~of Agriculture~~. Expenditures from ~~said fund~~ the fund shall be pursuant to the laws of this state and rules promulgated by the State Board of Agriculture~~, and without legislative appropriation, and~~.

B. The fund shall be for emergency controls that lack legislative appropriation ~~the purpose~~ of emergency grasshopper and range caterpillar control within the state or for the general operations of the Department ~~of Agriculture~~, and may be used for matching purposes for those programs in which the United States Department of Agriculture participates.

C. All expenditures ~~will~~ shall be approved by the ~~State~~ Board ~~of Agriculture~~. Warrants for expenditures from ~~said~~ the fund shall be based on claims~~,~~ signed by an authorized employee of the Department ~~of Agriculture,~~ and approved for payment by the Director of State Finance.

SECTION 25. AMENDATORY 2 O.S. 1991, Section 2-27, is amended to read as follows:

Section 2-27. ~~There~~ A. The Department of Agriculture State Indemnity Special Fund is hereby created in the State Treasury ~~a special fund~~ for the State Department of Agriculture~~, to be called the Department of Agriculture State Indemnity Special Fund~~. ~~Said fund~~

B. The fund shall consist of any monies appropriated to the ~~State~~ Department ~~of Agriculture~~ specifically for transfer to ~~said~~

the fund. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall be under the control and management of the administrative authority of the ~~State~~ Department ~~of Agriculture~~.

C. Expenditures from ~~said~~ the fund shall be pursuant to the laws of this state and in accordance with rules ~~and regulations~~ promulgated by the State Board of Agriculture~~, and~~.

D. The fund shall be for the purpose of funding state indemnity payments to owners of ~~nonregistered beef~~ cattle destroyed ~~because of~~ due to brucellosis.

E. All expenditures ~~will~~ shall be approved by the ~~State~~ Board ~~of Agriculture~~. Warrants for expenditures from ~~said fund~~ the fund shall be based on claims signed by an authorized employee of the Department and approved for payment by the Director of State Finance.

SECTION 26. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-29 of Title 2, unless there is created a duplication in numbering, reads as follows:

It shall be unlawful for any person to obstruct, hinder, or interfere by acts, verbal or physical threats, or any means with an authorized agent in the performance of their official duties as specified by rules of the State Board of Agriculture and the Oklahoma Agricultural Code.

SECTION 27. AMENDATORY 2 O.S. 1991, Section 4-2, is amended to read as follows:

Section 4-2. For the purposes of this article ~~and as used therein~~:

~~(a) A "brand" shall mean a permanent identification mark of which the letters, numbers and figures used are each three (3) inches or more in length or diameter and are impressed into the hide of a live animal either with a hot iron or by the process commonly referred to as "cold" or "freeze" branding, and is to be considered~~

~~in relation to its location on such animal, and such term relates to both the mark and location~~

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

~~(b) A "mark" shall mean a permanent identification cut from the ear or ears of a live animal~~

~~(c) The term "animal" shall mean any cattle, horse or mule;~~

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

~~(d) The term "livestock" shall mean any cattle, horse or mule;~~

~~(e) The term "Board" shall mean the State Board of Agriculture;~~

~~(f) The term "Division" shall mean the Livestock Brand Division of the State Department of Agriculture~~.

SECTION 28. AMENDATORY 2 O.S. 1991, Section 4-3, is amended to read as follows:

Section 4-3. The State Board of Agriculture shall approve brands for registration ~~and~~, issue certificates ~~of approval~~, and ~~shall~~ serve as an adjudicating committee in ~~the matter of deciding and determining~~ resolving conflicts ~~of brands, and its decision shall be final~~. It shall publish a State Brand Book~~, as hereinafter provided,~~ which shall contain a facsimile of each ~~and every~~ registered brand ~~and mark that is registered with the Board, showing~~ with the owner's name and address~~, together with pertinent~~. The State Brand Book shall also include laws~~,~~ and rules ~~and regulations~~ pertaining to the registration ~~and reregistration~~ of brands.

SECTION 29. AMENDATORY 2 O.S. 1991, Section 4-4, is amended to read as follows:

Section 4-4. The State Board of Agriculture shall be the legal custodian of county brand record books which were maintained under prior laws ~~and shall, upon~~. Upon request, ~~furnish~~ the Board shall provide a certified copy of the record of any brand appearing in ~~such~~ the county brand record books, charging a fee of One Dollar ($1.00) for each ~~such~~ brand.

SECTION 30. AMENDATORY 2 O.S. 1991, Section 4-5, as amended by Section 1, Chapter 117, O.S.L. 1994 (2 O.S. Supp. 1999, Section 4-5), is amended to read as follows:

Section 4-5. A. Any application for the registration of a ~~mark or~~ brand ~~with the Board~~ shall be ~~on~~:

1. On a form prescribed by the State Board of Agriculture ~~and shall be accompanied~~; and

2. Accompanied by a fee of Twenty Dollars ($20.00) for each ~~mark or~~ brand ~~to be registered~~. ~~Any such~~

B. The application for the registration of a brand shall show the brand location to the following body regions of animals: right or left shoulder, neck, rib, ~~and~~ or hind quarter~~, or left shoulder, rib, neck, and hind quarter, except that previous existing~~. Previously registered ~~brand portions~~ brands are not affected ~~in any way~~.

C. The applicant shall ~~select not less than~~ list at least three distinct brands and ~~list them~~ three locations in the preferred order ~~and he shall likewise select three locations on the animal and list them in the preferred order~~.

SECTION 31. AMENDATORY 2 O.S. 1991, Section 4-6, is amended to read as follows:

Section 4-6. ~~Any~~ A. It shall be unlawful for any person ~~who~~ to knowingly ~~places~~ place upon any livestock a ~~mark or~~ brand which has not been registered with the State Board of Agriculture ~~shall,~~ if ~~such mark or~~ the brand duplicates one that is registered ~~with the~~

~~State Board of Agriculture, be guilty of a misdemeanor~~. ~~Such duplication shall be~~.

B. For purposes of this section, "duplication" means the use of a similar brand~~, used~~ in any ~~position~~ location on the animal designated for ~~the use of~~ a registered brand~~, such as the head, neck, shoulder, rib, hip, or breeching~~.

SECTION 32. AMENDATORY 2 O.S. 1991, Section 4-7, as amended by Section 2, Chapter 117, O.S.L. 1994 (2 O.S. Supp. 1999, Section 4-7), is amended to read as follows:

Section 4-7. A. The State Board of Agriculture shall publish a revised Brand Book ~~not later than any year whose last digits end with the numerals zero or five~~ at least every five (5) years. Supplements ~~shall~~ may be published ~~at such times~~ as ~~the Board may deem~~ necessary. ~~Provided, that prior~~

B. Prior to ~~the~~ publication of ~~any~~ a revised State Brand Book all registered brand owners and assignees ~~in the previous State Brand Book, or supplements thereto,~~ shall be notified in writing that ~~their brands~~ the brand registrations are being terminated ~~and that registration thereof must be renewed~~. ~~A reregistration~~

C. The renewal fee of Twenty Dollars ($20.00) for the registration of each brand shall be charged for the ensuing five-year period or fraction thereof.

D. The State Brand Book~~,~~ and ~~all~~ supplements ~~thereto, during the five-year period~~ shall be ~~sold~~ available to the public at a price commensurate with the cost of preparation, printing, and delivery thereof. ~~The~~ Upon written request the Board shall provide without charge all brand books and supplements to the county clerk and ~~the~~ sheriff of each county, ~~and~~ any inspection agency, any livestock association, or ~~authority~~ any entity approved by the Board ~~shall upon written request receive all brand books and supplements thereto without cost and shall give a receipt therefor, said books~~

~~to remain a part of the permanent records of their respective offices~~.

SECTION 33. AMENDATORY 2 O.S. 1991, Section 4-8, is amended to read as follows:

Section 4-8. Brands ~~appearing~~ in the current edition of the State Brand Book~~, or~~ and supplements ~~thereto,~~ shall be prima facie evidence of ownership ~~and take precedence over brands of like and kind should the question of ownership arise~~. An owner whose brand does not appear in the State Brand Book~~,~~ or a supplement ~~thereto,~~ shall produce evidence to establish ~~his~~ title to the property in the event of controversy.

SECTION 34. AMENDATORY 2 O.S. 1991, Section 4-9, is amended to read as follows:

Section 4-9. A. Any peace officer of the state~~,~~ or any ~~legally constituted~~ livestock association in the State of Oklahoma qualifying under ~~the provisions of~~ federal law to perform brand inspection services at specified markets ~~of the state,~~ shall have the authority to order funds of an animal of questionable ownership held until ownership is established. ~~Should~~

B. If ownership is not ~~be~~ established within thirty (30) days, the ~~person holding such~~ funds shall ~~remit the same~~ be provided to the State Board of Agriculture~~, which shall hold the same~~ and held for one (1) year~~, and should~~. If the ~~title~~ ownership to the animal ~~or animals in question not~~ cannot be ascertained, ~~then such~~ the funds shall be deposited in ~~and become a part of~~ the State Department of Agriculture ~~trust fund~~ Revolving Fund.

SECTION 35. AMENDATORY 2 O.S. 1991, Section 4-10, as amended by Section 2, Chapter 138, O.S.L. 1996 (2 O.S. Supp. 1999, Section 4-10), is amended to read as follows:

Section 4-10. ~~There is hereby reserved to the State of Oklahoma~~ The state reserves the brands of "B", "T", and "A" on the tailhead of cattle~~, and it~~. It shall be unlawful for any person other than

authorized agents of the State Board of Agriculture to use any of such brands. ~~Cattle carrying the brand "B" on the tailhead shall be recognized as reactors to Brucellosis Abortus (Bang's Disease). Cattle carrying the brand "T" on the tailhead shall be recognized as reactors to Bovine Tuberculosis. The brand "A" on the tailhead may be used to identify cattle that are carriers of Anaplasmosis.~~

SECTION 36. AMENDATORY 2 O.S. 1991, Section 4-11, as amended by Section 3, Chapter 117, O.S.L. 1994 (2 O.S. Supp. 1999, Section 4-11), is amended to read as follows:

Section 4-11. Only brands appearing in the current edition of the State Brand Book~~,~~ or ~~a~~ supplement thereto, shall be subject to sale, assignment, transfer, devise, or bequest. ~~Such~~ The transfer of title ~~must~~ shall be recorded with the ~~Livestock Brand Division of the~~ State ~~Department~~ Board of Agriculture~~, and the~~. The fee for recording ~~same~~ the transfer of title shall be Five Dollars ($5.00).

SECTION 37. AMENDATORY 2 O.S. 1991, Section 4-12, is amended to read as follows:

Section 4-12. All persons selling livestock ~~branded~~ with ~~their~~ a registered brand~~, or brand and mark, recorded in a current State Brand Book or a supplement thereto,~~ shall~~,~~ upon ~~the~~ request ~~of a purchaser of such livestock, execute~~ provide a written transfer of ownership to ~~such~~ the purchaser.

SECTION 38. AMENDATORY 2 O.S. 1991, Section 4-13, is amended to read as follows:

Section 4-13. The brand known as the "Dog Iron" brand, as shown and listed on page 107 at line 23 of the 1950 Oklahoma Brand Book, and which brand was used during his lifetime by the late Will Rogers of Oologah and Claremore, Oklahoma, shall be reserved to the State of Oklahoma for historical purposes~~, and it~~. It shall be unlawful for any person to use the ~~same~~ brand for the branding or marketing of animals, ~~except~~ provided that the ~~Livestock Brand Division of the State Department of Agriculture, or such other brand registering~~

~~agency as may be hereafter created,~~ State Board of Agriculture may register ~~such~~ the brand in the name of any blood relative or descendant of ~~the said~~ Will Rogers, so ~~that such~~ the brand may be perpetuated and preserved for historical purposes and in honor of the memory of ~~the said~~ Will Rogers.

SECTION 39. AMENDATORY 2 O.S. 1991, Section 5-2, is amended to read as follows:

Section 5-2. For the purpose of aiding and improving the marketing of agricultural products of the State of Oklahoma, the State Board of Agriculture shall ~~formulate and carry out~~ implement a program of marketing services~~, which~~. The program shall include ~~inspection and grading of agricultural products,~~ improvement of marketing methods, development of greater and more efficient utilization of agricultural products, and dissemination of marketing information~~; and the~~. The Board shall perform any other services that will facilitate the improvement, transportation, marketing, distributing, processing, or utilization of agricultural products of the State of Oklahoma through commercial channels.

SECTION 40. AMENDATORY 2 O.S. 1991, Section 5-6, is amended to read as follows:

Section 5-6. The State Board of Agriculture shall have authority to furnish market information and market news services for agricultural commodities to producers, packers, shippers, wholesalers, retailers, consumers, and other interested parties~~; and shall have authority to~~. In addition, the Board may determine the type of information or services ~~to be~~ assembled and distributed for any ~~particular~~ commodity. ~~Such~~ The information or services may be ~~rendered~~ provided at the shipping, wholesale, or retail level.

SECTION 41. AMENDATORY 2 O.S. 1991, Section 5-21, as amended by Section 1, Chapter 272, O.S.L. 1998 (2 O.S. Supp. 1999, Section 5-21), is amended to read as follows:

Section 5-21. As used ~~herein~~ in this subarticle:

1. ~~"Eggs" shall mean raw eggs in the shell that are the product of the domesticated chicken hen or egg products manufactured from raw eggs and intended for human consumption~~ "Ambient temperature" means the atmospheric temperature surrounding or encircling shell eggs;

2. ~~"Person" shall mean individuals, firms, associations, partnerships, corporations or other legal entities~~ "Case" means thirty (30) dozen eggs or any container designed to hold thirty (30) dozen eggs;

3. ~~"Dealer" shall mean and include any person engaged in the wholesale marketing of eggs. Such person may also sell eggs to the consumer but shall not be considered a retailer;~~

~~4.~~ "Consumer" ~~shall mean~~ means any person using eggs for food and ~~shall include~~ including, but not limited to, restaurants, hotels, cafeterias, hospitals, state institutions, or any other establishment serving food to be consumed on the premises~~, but~~. The term "consumer" shall not include the armed forces or any other federal agency or institution where federal egg grade certificates are issued;

~~5.~~ 4. "~~Containers~~ Container" ~~shall mean~~ means any ~~container~~ receptacle or packaging in which eggs are dispensed to consumers;

5. "Dealer" means any person engaged in the wholesale marketing of eggs. A dealer may also sell eggs to the consumer but shall not be considered a retailer;

6. ~~"Retailer" shall mean and include any person who sells eggs to a consumer~~ "Eggs" means raw eggs in the shell that are the product of the domesticated chicken or egg products manufactured from raw eggs and intended for human consumption;

7. ~~"Board" shall mean the State Board of Agriculture~~ "Expiration date" means the date the eggs are to be removed from sale;

8. ~~"Packer" shall mean any person who grades, regrades, packs or repacks eggs for sale or subsequent resale to dealers, retailers or consumers within this state. Such person may sell eggs to consumers but shall not be considered as a dealer;~~

~~9.~~ "Pack-date" ~~shall mean~~ means the date ~~on the container on which~~ that the eggs were placed in the container;

9. "Packer" means any person who grades or packs eggs for sale to dealers, retailers, or consumers within the state. A packer may sell eggs to consumers but shall not be considered a dealer;

10. ~~"Expiration date" shall mean the date on the container on which the eggs are to be removed from sale~~ "Processor" means any person who operates a plant for the purpose of breaking or boiling eggs for liquid, freezing, drying, or commercial food manufacturing; and

11. ~~"Ambient temperature" shall mean the atmospheric temperature surrounding or encircling shell eggs;~~

~~12. "Case" shall mean exactly thirty (30) dozen eggs or any container designed to hold exactly thirty (30) dozen eggs; and~~

~~13. "Processor" shall mean any person who operates a plant for the purpose of breaking or boiling eggs for liquid, freezing, drying, or commercial food manufacturing~~ "Retailer" means any person who sells eggs to a consumer.

SECTION 42. AMENDATORY 2 O.S. 1991, Section 5-21.1, as amended by Section 2, Chapter 272, O.S.L. 1998 (2 O.S. Supp. 1999, Section 5-21.1), is amended to read as follows:

Section 5-21.1 A. A pack-date may be in a three-digit ~~julian~~ Julian date or a calendar date.

B. If an expiration date is used on the container, the date shall be preceded by "EXP", "sell by", or "use through".

C. Eggs removed from sale as a result of the expiration date on the container may be regraded and repacked if ~~such~~ the eggs comply with grade standards.

SECTION 43. AMENDATORY Section 3, Chapter 272, O.S.L. 1998 (2 O.S. Supp. 1999, Section 5-21.2), is amended to read as follows:

Section 5-21.2 A. Eggs at the retail level shall be refrigerated at an ambient temperature of forty-five degrees (45°) Fahrenheit or lower. Eggs shall not be allowed to freeze.

B. Eggs stored at the packer's facility that are intended for sale to the consumer ~~must~~ shall be held at a temperature in accordance with the USDA standards.

C. Except as provided in this section, eggs intended for sale to the consumer shall be stored ~~and/or~~ and transported under refrigeration at an ambient temperature of forty-five degrees (45°) Fahrenheit or lower. The State Board of Agriculture may grant an exception to the refrigeration requirement for transportation by smaller packers delivering within a fifty-mile radius.

D. 1. Eggs being transported or held at retail or dealer locations without proper refrigeration ~~are subject to~~ may be destroyed or shipped to an egg processor.

2. Destruction or shipment of eggs as required by this subsection shall be under the supervision of an authorized agent of the ~~State~~ Board ~~of Agriculture~~.

3. Packers shall not be responsible for the interior quality of eggs if all ~~recommended~~ handling procedures in this section are not followed by all parties after the sale of the eggs by the packer.

E. At retail locations a sign furnished by the State Department of Agriculture stating the proper procedure for storage and handling of eggs ~~will~~ shall be permanently displayed at a location easily seen by egg-handling employees.

SECTION 44. AMENDATORY 2 O.S. 1991, Section 5-22, is amended to read as follows:

Section 5-22. The provisions of this subarticle shall apply only to eggs bought or sold for human food or consumption by humans.

SECTION 45. AMENDATORY 2 O.S. 1991, Section 5-23, as amended by Section 4, Chapter 272, O.S.L. 1998 (2 O.S. Supp. 1999, Section 5-23), is amended to read as follows:

Section 5-23. A. The United States Department of Agriculture egg standards of size and quality~~, of the United States Department of Agriculture~~ shall be used as minimum standards for the State of Oklahoma.

B. Standards for egg products shall be the "Egg Products Inspection Act" (P.L. 91-597, 84 Stat. 1620 et seq.) ~~and acts amendatory thereof or supplementary thereto~~ including all amendments thereto.

SECTION 46. AMENDATORY 2 O.S. 1991, Section 5-24, is amended to read as follows:

Section 5-24. All grading ~~required by the provisions of this subarticle~~ shall be performed ~~in accordance with methods, consistent with the provisions of this subarticle, that are~~ as prescribed by the State Board ~~and its duly authorized representatives~~ of Agriculture.

SECTION 47. AMENDATORY 2 O.S. 1991, Section 5-25, as amended by Section 5, Chapter 272, O.S.L. 1998 (2 O.S. Supp. 1999, Section 5-25), is amended to read as follows:

Section 5-25. It shall be a violation of this subarticle for any person other than those exempted in Section ~~5-29~~ 10-77 of ~~this title~~ the Oklahoma Agricultural Code:

1. To sell, display for sale, or offer for sale eggs below the quality of "Oklahoma Grade B" to consumers;

2. To sell, display for sale, or offer for sale eggs to consumers unless the container~~,~~ or label attached to the container~~,~~ shows the pack-date ~~the eggs were placed in such container~~ and indicates the correct size and grade ~~of the eggs contained therein,~~ in boldface legible letters with no other descriptive wording~~, except that additional descriptive~~. Descriptive wording ~~pertaining~~

~~to eggs~~ is permitted ~~provided such~~ if the eggs are not below the quality of "Oklahoma Grade A"~~; further provided that such~~ and the descriptive wording is not false or misleading;

3. To sell, display for sale, or offer for sale eggs to consumers unless ~~there is indicated on~~ the container indicates the name and address of the packer or processor ~~by whom the eggs were~~ who processed, graded, marked, or labeled ~~and if~~ the eggs. If any egg packer or processor operates ~~on the basis of~~ with a permit, ~~as optionally provided for in Section 5-28 of this title, such~~ the packer's or processor's permit number shall also appear on ~~such~~ the container;

4. To falsely or deceptively label, mark, advertise, or invoice eggs;

5. To advertise eggs for sale with any descriptive wording ~~in connection therewith (~~, except official grade designations~~)~~, unless ~~such~~ the eggs meet the quality requirements of "Oklahoma Grade A" or "Oklahoma Grade AA", or to state a price when advertising eggs without also designating the full, correct, and unabbreviated grade and size ~~as provided herein~~;

6. To ~~permit~~ store graded eggs at a higher ambient temperature than specified in Section 10-73 of this title, including "Grade B" and above, which are in the person's possession for sale or resale to consumers~~, to be stored at an ambient temperature higher than those specified in Section 3 of this act~~;

7. To sell, display for sale, or offer for sale eggs to consumers in a container which does not bear an inspection fee stamp~~,~~ issued by the State Board of Agriculture or the permit number of the packer or processor~~,~~ showing that the inspection fee has been paid ~~thereon, as provided for in Section 5-28 of this title~~;

8. To use an inspection fee stamp more than one time ~~or~~, to use a counterfeit ~~thereof~~ inspection fee stamp, or to use a container bearing a packer's license number more than one time;

9. To do business as a packer, processor, retailer, or dealer of eggs without first obtaining a license from the Board ~~as required in Section 5-28 of this title~~;

10. To fail or neglect to pay any license or inspection fee ~~due under the requirements of Section 5-28 of this title~~, ~~or~~ to fail or neglect to file the monthly inspection fee report when ~~same is~~ required ~~under the provisions of Section 5-28 of this title~~, or to file a false monthly report of the quantity of eggs packed for sale during any month;

11. To refuse ~~entry of~~ any authorized ~~inspector or employee~~ agent of the Board ~~for the purpose of making~~ entry to any premises or deny access to records or product when conducting inspections ~~under the provisions of this subarticle~~, investigations, or audits made pursuant to this subarticle;

12. To sell, display for sale, or offer for sale eggs to consumers below Grade "A" with any descriptive wording other than the correct grade as ~~recognized~~ provided by the United States Department of Agriculture standards for shell eggs; or

13. For any packer or dealer to sell eggs intended for sale in Oklahoma to another packer, dealer, or retailer ~~unless such packer, dealer or retailer holds~~ who does not hold an appropriate Oklahoma license.

SECTION 48. AMENDATORY 2 O.S. 1991, Section 5-25.1, is amended to read as follows:

Section 5-25.1 A. Oklahoma producers of eggs selling ungraded eggs from their own flock production are exempt from this subarticle. Nothing in this ~~act~~ subarticle shall prohibit the sale of eggs produced on the farm and sold direct to the consumer~~; such eggs~~. Eggs sold under this section shall be produced by hens maintained on the farm from which ~~they~~ the eggs are sold.

B. A producer may sell graded eggs if in compliance with this subarticle.

SECTION 49. AMENDATORY 2 O.S. 1991, Section 5-26, as amended by Section 6, Chapter 272, O.S.L. 1998 (2 O.S. Supp. 1999, Section 5-26), is amended to read as follows:

Section 5-26. A. The State Board of Agriculture and ~~inspectors or other~~ authorized agents ~~under its supervision and control~~ shall enforce the provisions of this subarticle. The Board shall promulgate the necessary rules ~~as it deems necessary~~ to carry out the provisions of this subarticle.

B. Any authorized ~~inspector or employee or~~ agent of the Board may enter any place of business within the state ~~with or without a formal warrant~~ where any eggs are bought, sold, graded, or held and may take for inspection purposes~~, representative~~ samples of ~~such~~ eggs and egg containers ~~for the purpose of determining whether or not any provisions of this subarticle have been violated~~.

C. Any authorized ~~inspector or employee or~~ agent of the Board may~~, while enforcing any provisions of this subarticle,~~ seize and hold as evidence any eggs displayed or offered for sale in violation of any provisions of this subarticle.

SECTION 50. AMENDATORY 2 O.S. 1991, Section 5-27, is amended to read as follows:

Section 5-27. The State Board of Agriculture shall ~~prescribe, by regulations,~~ establish methods ~~of~~ for selecting samples which are representative of entire lots or containers of eggs ~~which shall be reasonably calculated to produce by such sampling, fair representations of the entire lots or containers sampled~~. Any sample inspected ~~hereunder~~ or ~~an~~ official certificate of the grade and size of the eggs~~,~~ by ~~an inspector for~~ the Board~~,~~ shall be prima facie evidence~~, in any court in this State,~~ of the correct grade, size, and condition of the entire lot ~~involved from which said sample was taken~~.

SECTION 51. AMENDATORY 2 O.S. 1991, Section 5-28, as last amended by Section 7, Chapter 272, O.S.L. 1998 (2 O.S. Supp. 1999, Section 5-28), is amended to read as follows:

Section 5-28. A. No person shall be issued a license to handle eggs commercially unless ~~such person~~ an application has been properly filed ~~with the Board, or its authorized agent, an application~~ on a form provided by the State Board of Agriculture, and ~~paid such~~ the annual license ~~fees as are required by this section. Such~~ fee has been paid. The license shall not be transferable.

1. A state egg retailer's license shall be Ten Dollars ($10.00).

2. State egg dealer's license fees for dealers shall be determined on the basis of cases of eggs sold in the shell in any one (1) month ~~as follows~~:

a. 1 to 500 cases ----------$5.00

b. 501 to 2,000 cases ----------$12.50

c. 2,001 to 5,000 cases ----------$25.00

d. More than 5,000 cases ---------$50.00

3. An egg packer or processor license shall be issued without charge provided ~~such packer or processor pays~~ an inspection fee~~, as required in this section,~~ is paid on a minimum of six thousand (6,000) dozen eggs or two hundred (200) cases annually.

4. Each license ~~issued pursuant to this section~~ except a packer or processor license shall expire annually on the last day of the anniversary month in which the license was ~~first~~ issued. The Board shall ~~have the authority to~~ adjust the ~~initial~~ anniversary date to provide for efficient administration. A packer or processor license shall be issued for a period of five (5) years.

5. Each location shall require a separate license.

6. Packers residing within the state who package eggs intended solely for distribution sale or resale outside the state shall

obtain a license ~~as required pursuant to this section~~ except the packer shall be exempt from all fee and reporting requirements. A packer shall be subject to all inspections, record keeping, and audits ~~as are required pursuant to this section~~.

7. If a license expires and is not renewed within thirty (30) days of its expiration, the applicant for renewal shall pay a penalty. ~~Such~~ The penalty shall be an amount equal and in addition to the license ~~applied for~~ fee.

B. Each packer or processor shall pay ~~to the Board~~ an inspection fee of three (3) mills per dozen on all eggs that are processed, graded, packed, or repacked which are intended for sale ~~or subsequent resale~~ to consumers in this state ~~at the rate of three mills ($0.003) per dozen~~.

1. Inspection fee stamps ~~will~~ shall be provided by the Board ~~for those packers desiring to use them. Cost to the packer for these stamps will~~ upon request. The cost shall be the ~~cost to the Board for printing, mailing and handling plus the~~ per dozen fee rate ~~as specified in this section~~ and costs for printing, mailing, and handling the stamps.

2. ~~Inspection~~ When used, inspection fee stamps~~, if used,~~ shall ~~also~~ serve as ~~a~~ the label indicating grade of the egg, size of the egg, and the container size.

3. Packers whose monthly production is six thousand (6,000) dozen or more~~, in lieu of using inspection fee stamps,~~ may ~~file an application with the Board,~~ apply on a form prescribed by the State Board of Agriculture, for a permit to report and pay the fees monthly, in lieu of inspection fee stamps.

4. All inspection fees shall be paid ~~either by use of~~ through fee stamps or ~~permitted~~ monthly ~~report~~ reports.

5. There shall be a nine-cent ($0.09) per case ~~(three mill ($0.003) per dozen equivalent)~~ inspection fee on all egg products sold ~~in~~ or shipped into the ~~State of Oklahoma. In addition, any~~

~~processor outside the State of Oklahoma shipping egg products into Oklahoma, for wholesale or retail, shall be charged the same assessment~~ state.

6. All egg products processors shall ~~be responsible for~~ pay the inspection fees ~~due~~ on all processed eggs sold or used for human consumption in the ~~State of Oklahoma~~ state based on the following formula:

a. Thirty-six (36) pounds of frozen or liquid eggs ~~shall represent~~ equals a thirty (30) dozen case of shell eggs.

b. Nine (9) pounds of dried eggs ~~shall represent~~ equals a thirty (30) dozen case of shell eggs.

c. Two (2) containers of boiled eggs weighing twenty (20) to twenty-five (25) pounds each ~~shall represent~~ equals a thirty (30) dozen case of shell eggs.

d. Fifty (50) pounds of cooked or diced eggs ~~shall represent~~ equals a thirty (30) dozen case of shell eggs.

C. 1. Packers, processors and dealers shall keep ~~such~~ records ~~concerning~~ of eggs graded, packed, distributed, or sold as required by the State Board ~~shall deem necessary to properly administer the provisions of Sections 5-21 through 5-30 of this title~~ of Agriculture.

2. ~~Such records~~ Records shall be maintained for ~~a period of~~ three (3) years. ~~Any~~ The Board shall have access to all required records of any applicant for a license ~~required pursuant to this section authorizes the Board or its duly authorized representative permission and access to such records as are required herein~~.

3. The Board shall ~~at least one time a year and whenever it deems necessary~~ audit the records of packers who report and pay monthly fees ~~monthly~~ at least once per year. The packer shall ~~be required to~~ reimburse to the Board ~~the~~ for travel expenses incurred

in conducting the required annual audit. The costs of ~~any additional~~ audits ~~deemed necessary by the Board throughout the year~~ other than the required annual audit shall be ~~borne~~ paid by the Board.

D. 1. Packers ~~permitted to pay required~~ paying inspection fees on a monthly basis shall prepare a report of all fees due ~~and payable on~~ as of the last day of each month. The report ~~shall be filed~~ and ~~the~~ fee ~~paid not~~ payment shall be due no later than the fifteenth day of the following month ~~following the due date~~.

2. Reports shall contain the quantity of eggs packed and intended for sale or resale in the state, the names of the dealers for whom the eggs were packed or to whom the eggs were sold or delivered, and ~~such~~ all other information ~~as~~ required by the Board ~~may require to administer the provisions of Sections 5-21 through 5-30 of this title~~.

3. Reports provided to the Board pursuant to this section shall not be ~~considered as~~ public information and may be used only for administration of ~~the provisions of Sections 5-21 through 5-30 of this title. Statistical~~ this article. Reports may be used for statistical information ~~may be taken from such reports by the Board~~ if ~~the Board does not identify~~ specific packers ~~either~~ are not identified by name or implication.

4. If a report is not filed and the fees are not paid within thirty (30) days of the due date, the packer shall pay a penalty of two percent (2%) of the fees due for each additional day the fees are late. If the report is not filed and the fees are not paid within sixty (60) days of the due date, the amount of the penalty shall be an amount equal and in addition to the amount of the fees due.

SECTION 52. AMENDATORY 2 O.S. 1991, Section 5-59, is amended to read as follows:

Section 5-59. A. The State Board of Agriculture shall establish an Oklahoma Trade Development program to further the processing and marketing of Oklahoma food products and renewable resources.

B. All applicable agencies including, but not limited to, the Division of Agriculture at Oklahoma State University, the Department of Commerce, and the Corporation Commission~~,~~ shall cooperate in ~~this venture~~ the program.

~~On January 1, 1988, the president of the State Board of Agriculture shall present a report to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate concerning implementation of this act.~~

C. The Oklahoma Trade Development Center shall consider the following subjects:

1. The possibility of a food processing center to assist in the marketing of intrastate and interstate distribution to increase the awareness of Oklahoma food products.

2. The possibilities for value-added products to be derived from Oklahoma's renewable resources.

SECTION 53. AMENDATORY Section 1, Chapter 87, O.S.L. 1996 (2 O.S. Supp. 1999, Section 5-60), is amended to read as follows:

Section 5-60. A. There is hereby created the "Industry Advisory Committee" within the Oklahoma Food and Agricultural Products Research and Technology Center located at Oklahoma State University in Stillwater, Oklahoma. The Committee shall consist of one ex officio nonvoting member and fifteen ~~appointive~~ appointed members ~~and~~. The Committee shall be advisory to the Oklahoma Food and Agricultural Products Research and Technology Center. The Committee shall assist and advise the Oklahoma Food and Agricultural Products Research and Technology Center in prioritizing projects, in

setting fees, and in creating and designing joint ventures for the development and advancement of the production, processing, handling, and marketing of agricultural commodities, so ~~that~~ the Center may meet the needs of the state's value-added processing entities.

B. The Committee shall consist of sixteen (16) members as follows:

1. The Dean of the Division of Agricultural Sciences and Natural Resources of Oklahoma State University shall serve as an ex officio nonvoting member;

2. The Governor shall appoint four members to serve three-year terms, two of whom shall be nationally based food processors~~;~~, one of whom shall be a member of the "Made in Oklahoma" organization~~;~~, and one of whom shall represent a ~~state/county/city~~ state, county, or city economic development agency~~; provided, for~~. Of the members initially appointed, two shall serve a one-year term, one shall serve a two-year term, and one shall serve a three-year term;

3. The President Pro Tempore of the Senate shall appoint four members to serve three-year terms, one of whom shall be involved in food transportation~~;~~, one of whom shall be involved in textiles~~;~~, one of whom shall be involved in industrial or pharmaceutical products~~;~~, and one of whom shall be an Oklahoma-based food processor~~; provided, for~~. Of the members initially appointed, one shall serve a one-year term, two shall serve a two-year term, and one shall serve a three-year term;

4. The Speaker of the House of Representatives shall appoint four members to serve three-year terms, one of whom shall be involved in food marketing~~;~~, one of whom shall be involved in food distribution~~;~~, one of whom shall be involved in industrial or pharmaceutical products~~;~~, and one of whom shall be an Oklahoma-based food processor~~; provided, for~~. Of the members initially appointed, one shall serve a one-year term, one shall serve a two-year term, and two shall serve a three-year term; and

5. The Dean of the Division of Agricultural Sciences and Natural Resources of Oklahoma State University shall appoint three members to serve three-year terms, one of whom shall be an Oklahoma-based food processor~~;~~, and two of whom shall be involved in production agriculture~~; provided, for~~. Of the members initially appointed, one shall serve a one-year term, one shall serve a two-year term, and one shall serve a three-year term.

C. Any vacancies in the ~~appointive~~ appointed membership of the Industry Advisory Committee shall be filled in the same manner as the original appointment.

D. The Committee shall elect from among its members a chair, vice-chair, and any other officers that the Committee determines necessary.

E. ~~The Dean of the Division of Agricultural Sciences and Natural Resources of Oklahoma State University shall call the first meeting of the Committee by November 1, 1996.~~ The Committee shall meet at least biannually.

F. The Committee may appoint subcommittees as ~~it deems~~ necessary to carry out its duties pursuant to this section.

G. Members of the Committee shall not receive a salary for duties performed by the Committee. Members of the Committee shall be reimbursed for necessary travel expenses incurred in the performance of their official duties in accordance with the State Travel Reimbursement Act~~, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes~~. The Oklahoma Food and Agricultural Products Research and Technology Center shall be responsible for paying ~~such~~ travel expenses.

H. A majority of the members shall constitute a quorum.

I. The Oklahoma Food and Agricultural Products Research and Technology Center shall provide staff assistance for the Committee.

SECTION 54. AMENDATORY 2 O.S. 1991, Section 5-61a, is amended to read as follows:

Section 5-61a. As used in this ~~act~~ article:

1. ~~Weight or measure means all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliance and accessories associated with any or all such instruments and devices, except that weight as used in connection with any commodity means net weight;~~

~~2.~~ "Correct ~~as used in connection with weights and measures~~" means conformance to all applicable requirements of this ~~act~~ article;

2. "Field standard" means the physical standards which are traceable to the reference standards through comparisons, using acceptable laboratory procedures, and used in the enforcement of weights and measures laws and rules;

3. ~~Primary standards means the physical standards of the state which serve as the legal reference from which all other standards and weights and measures are derived~~ "National Conference on Weights and Measures, Inc. (NCWM)" means the national professional organization composed of regulatory officials, industry representatives, and individuals having an interest in weights and measures that develop consensus standards in areas of weighing and measuring device regulation, commodity regulation, and administration of regulatory weights and measures program;

4. ~~Secondary standards means the physical standards which are traceable to the primary standards through comparisons, using acceptable laboratory procedures, and used in the enforcement of weights and measures laws and regulations~~ "National Institute of Standards and Technology (NIST)" means that subdivision of the United States Department of Commerce responsible for maintaining the standard weights and measures of the United States;

5. ~~Board means the Oklahoma Board of Agriculture~~ "Package" means any commodity put up or uniformly wrapped or sealed in advance of sale in units suitable for either wholesale or retail sale;

6. ~~Person means individuals, partnerships, corporations, companies, societies and associations~~ "Reference standards" means the physical standards of the state which serve as the legal reference from which all other standards and weights and measures are derived;

7. "Sale from bulk" means the sale of commodities when the quantity is determined at the time of sale; and

8. ~~Package means any commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale~~ "Weights or measures" means all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliance and accessories associated with any instruments and devices. "Weight" used in connection with any commodity means net weight.

SECTION 55. AMENDATORY 2 O.S. 1991, Section 5-61b, is amended to read as follows:

Section 5-61b. A. The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized ~~and either~~. Either one or both of these systems shall be used for all commercial purposes in the state.

B. The definitions of basic units of weight and measure, the tables of weight and measure, and weights and measures equivalents as published by the National ~~Bureau of Standards~~ Conference on Weights and Measures are recognized and shall govern weighing and measuring equipment and transactions in the state.

SECTION 56. AMENDATORY 2 O.S. 1991, Section 5-61c, is amended to read as follows:

Section 5-61c. Weights and measures that are traceable to the United States prototype standards supplied by the federal government~~,~~ or approved ~~as being satisfactory~~ by the National ~~Bureau~~ Institute of Standards~~,~~ and Technology shall be the state ~~primary~~

reference standards of weights and measures and shall be maintained in ~~such~~ the calibration ~~as~~ prescribed by the National ~~Bureau~~ Institute of Standards and Technology. All ~~secondary~~ field standards may be prescribed by the State Board of Agriculture and shall be verified upon their initial receipt and as ~~often thereafter as deemed necessary~~ required by the Board.

SECTION 57. AMENDATORY 2 O.S. 1991, Section 5-61d, is amended to read as follows:

Section 5-61d. The specifications, tolerances, and other technical requirements for commercial and regulatory weighing and measuring devices as adopted by the National Conference on Weights and Measures and published in ~~National Bureau of Standards~~ Handbook 44, "Specifications, Tolerances and Other Technical Requirements for Commercial Weighing and Measuring Devices", and supplements ~~thereto~~ or revisions ~~thereof~~ shall apply to commercial and regulatory weighing and measuring devices in the state~~, except insofar as modified or rejected by regulation~~.

SECTION 58. AMENDATORY 2 O.S. 1991, Section 5-61e, is amended to read as follows:

Section 5-61e. The State Board of Agriculture shall have the following powers and duties:

1. Maintain traceability of the state standards to the National ~~Bureau~~ Institute of Standards and Technology and adopt standard weights and measures for products in conformity ~~where feasible,~~ with federal standards~~, to be used~~ for use as the standard for weighing and measuring products in Oklahoma;

2. ~~Enforce the provisions of this act and issue such rules and regulations necessary for the enforcement of this act. Such~~ Ensure that all rules ~~and regulations shall~~ conform as nearly as practicable to the uniform regulations adopted by the National Conference on Weights and Measures and published in ~~National Bureau~~

~~of Standards~~ Handbook 130, "Uniform Laws and Regulations", including all supplements ~~thereto~~ and revisions thereof;

3. Establish requirements for labeling, for the presentation of cost-per-unit information, for standards of weight, measure, or count, and for standards of fill for any packaged commodity~~; and~~. The Board may establish requirements for open dating information;

4. Conduct investigations to ensure compliance with this ~~act~~ article;

5. ~~Test annually the standards of weight and measure used by any city or county within the state and approve the same when found to be correct;~~

~~6.~~ Inspect and test weights and measures kept, offered, or exposed for sale;

~~7.~~ 6. Inspect and test to ascertain if the weights and measures commercially used are correct by:

a. determining the weight, measure, or count of commodities or things sold, ~~or~~ offered, or exposed for sale~~,~~ on the basis of weight, measure, or count, or

b. by computing the basic charge or payment for services rendered on the basis of weight, measure, or count;

~~8.~~ 7. Approve for use ~~such~~ weights and measures ~~as it finds~~ found to be correct and ~~shall~~ reject and mark as rejected ~~such~~ weights and measures ~~as it finds~~ found to be incorrect. Approved weights and measures may be marked as approved. Weights and measures that have been rejected may be seized if not corrected within the time specified or if used or disposed of in a manner not specifically authorized. The Board shall condemn and may seize weights and measures found to be incorrect that are not capable of being made correct;

~~9.~~ 8. Weigh, measure, or inspect packaged commodities kept, offered or exposed for sale, sold or in the process of delivery, to determine whether they contain the amounts represented and ~~whether~~

~~they~~ are ~~kept, offered or exposed for sale~~ in accordance with this ~~act or regulations promulgated pursuant thereto. In carrying out the provisions of this section, the~~ article and rules of the Board. The Board shall ~~employ~~ use recognized sampling procedures ~~such as are designated in~~ adopted by the National ~~Bureau of Standards~~ Conference on Weights and Measures and published in Handbook 133, "Checking the Net Contents of Packaged Goods" and supplements ~~thereto~~ and revisions ~~thereof~~;

~~10. Prescribe the appropriate term or unit of weight or measure to be used, whenever determined in the case of a specific commodity that an existing practice~~

9. If a method of declaring the quantity of a specific commodity by weight, measure, numerical count, or combination ~~thereof,~~ does not facilitate value comparisons by consumers or offers an opportunity for consumer confusion, an appropriate term or unit of weight or measure may be prescribed; and

~~11.~~ 10. Allow reasonable variations from the stated quantity of contents, ~~which shall include~~ including but not limited to those caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice only after the commodity has entered intrastate commerce.

SECTION 59. AMENDATORY 2 O.S. 1991, Section 5-61f, is amended to read as follows:

Section 5-61f. The State Board of Agriculture may, at the request of the owner or user of any weighing or measuring device, test ~~such~~ a device upon payment of a fee ~~that is commensurate with the expense incurred in making such test~~ for expenses.

SECTION 60. AMENDATORY 2 O.S. 1991, Section 5-61g, is amended to read as follows:

Section 5-61g. When necessary for the enforcement of this ~~act~~ article or ~~regulations~~ rules promulgated pursuant thereto, the State Board ~~is~~ of Agriculture may:

1. ~~Authorized to enter any commercial premises during normal business hours, except that, in the event such premises are not open to the public, he shall first present his credentials and obtain consent before making entry thereto, unless a search warrant has previously been obtained;~~

~~2. Empowered to issue~~ Issue stop-use, hold, and removal orders ~~with respect to~~ for any weights and measures commercially used, and issue stop-sale, hold, and removal orders ~~with respect to~~ for any packaged commodities or bulk commodities kept, offered, or exposed for sale; and

~~3. Empowered to seize,~~ 2. Seize for use as evidence~~,~~ any incorrect or unapproved weight, measure, package, or commodity ~~found to be~~ used, retained, offered, or exposed for sale or sold in violation of ~~the provisions of~~ this ~~act~~ article or ~~regulations~~ rules promulgated pursuant thereto.

SECTION 61. AMENDATORY 2 O.S. 1991, Section 5-61h, is amended to read as follows:

Section 5-61h. ~~A. No person shall sell~~ It shall be unlawful for any person to:

1. Sell, offer, or expose for sale any item for less than the quantity ~~he represents, nor~~ represented or take ~~any~~ more ~~of an item~~ than the represented quantity ~~he represents~~ when~~, as~~ the buyer~~, he~~ furnishes the weight or measure ~~by means of~~ which determines the quantity ~~is determined.~~; or

~~B. No person shall misrepresent~~ 2. Represent the price or quantity of any commodity or service sold, offered, exposed, or advertised for sale by weight, measure, or count~~, nor represent the price~~ in any manner calculated or ~~tending~~ intended to mislead or ~~in any way~~ deceive a person.

SECTION 62. AMENDATORY 2 O.S. 1991, Section 5-61i, is amended to read as follows:

Section 5-61i. Except as ~~otherwise~~ provided by the State Board of Agriculture, commodities in liquid form shall be sold by liquid measure or by weight~~, and commodities~~. Commodities not in liquid form shall be sold only by weight, ~~or by~~ measure, or ~~by~~ count, so long as the method of sale provides accurate quantity information.

SECTION 63. AMENDATORY 2 O.S. 1991, Section 5-61j, is amended to read as follows:

Section 5-61j. A. Except as ~~otherwise~~ provided in this ~~act~~ article or by ~~regulations~~ rules promulgated pursuant thereto, any package kept for the purpose of sale ~~or offered~~, offering for sale, or ~~exposed~~ exposing for sale shall bear on the outside of the package a definite, plain, and conspicuous declaration of:

1. The identity of the commodity in the package, unless the ~~same~~ commodity can easily be identified through the wrapper or container;

2. The quantity of contents in terms of weight, measure, or count; and

3. The name and place of business of the manufacturer, packer, or distributor~~, in~~ if the ~~case of any~~ package is kept, offered or exposed for sale, or sold in any place other than ~~on~~ the premises where packed.

B. In addition, any package being one of a lot containing random weights of the same commodity and bearing the total selling price of the package shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight.

SECTION 64. AMENDATORY 2 O.S. 1991, Section 5-61k, is amended to read as follows:

Section 5-61k. Whenever a packaged commodity is advertised in any manner ~~with~~ and the retail price is stated, ~~there shall be~~

~~closely and conspicuously associated with the retail price~~ a declaration of quantity ~~as is required by law or regulation to~~ shall also appear on the package closely associated with the retail price. Where a dual declaration is required, only the declaration that sets forth the quantity in terms of the smaller unit of weight or measure need appear in the advertisement.

SECTION 65. AMENDATORY 2 O.S. 1991, Section 5-61l, is amended to read as follows:

Section 5-61l. ~~Any~~ It shall be unlawful for any person ~~who violates the following enumerated provisions or~~ to violate any provision of this ~~act~~ article or ~~regulation promulgated pursuant thereto, for which a specific penalty has not been prescribed, shall be guilty of a misdemeanor~~ rules promulgated by the State Board of Agriculture. No person shall:

1. Use or have in possession for use in commerce any incorrect weight or measure;

2. Remove any tag, seal, or mark from any weight or measure without specific written authorization from the proper authority; or

3. Hinder or obstruct any weights and measures official in the performance of ~~his~~ the duties of such official.

SECTION 66. AMENDATORY 2 O.S. 1991, Section 5-61m, is amended to read as follows:

Section 5-61m. ~~The Board is authorized to apply to any court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any provision of this act.~~

~~Whenever there shall exist~~ If a weight or measure or weighing or measuring device ~~in or about any place in which or from which~~ exists where buying or selling is commonly carried on, there shall be a rebuttable presumption that ~~such~~ the weight ~~or~~, measure, or weighing or measuring device is regularly used for ~~the~~ business purposes ~~of that place~~.

SECTION 67. AMENDATORY 2 O.S. 1991, Section 5-62.1, is amended to read as follows:

Section 5-62.1 This ~~act~~ article shall be known ~~and may be cited~~ as the "Oklahoma Service Technician and Service Agency Act".

SECTION 68. AMENDATORY 2 O.S. 1991, Section 5-62.2, is amended to read as follows:

Section 5-62.2. As used in the Oklahoma Service Technician and Service Agency Act:

1. ~~"Board" means the State Board of Agriculture;~~

~~2.~~ "Commercial weighing and measuring ~~devices~~ device" means any weight or measure that is used or employed in establishing size, quantity, grade, extent, area, measurement of quantities, things, products, or articles for distribution or consumption which are purchased, offered or submitted for sale, hire or award, or in computing any basic charge or payment for services rendered~~, and~~. The term commercial weighing and measuring device shall also include any accessory attached to or used in connection with a weighing or measuring device when ~~such~~ the accessory is so designed or installed that its operation affects, or may affect, the accuracy of the weight or measure;

2. "Placing-in-service report" means a report on a form approved by the State Board of Agriculture listing the name, address, and location of the commercial weight or measure, and information stating in detail what services were performed and whether the weight or measure is new or removed from the premises, the date the service was performed, and other required information;

3. ~~"Department" means the State Department of Agriculture~~ "Service" means to install, adjust, sell, repair, condition, recondition, overhaul, test, or remove from installation, a weight, measure, or weighing or measuring device;

4. ~~"National Institute of Standards and Technology (NIST)" shall mean that subdivision of the United States Department of~~

~~Commerce responsible for maintaining the standard weights and measures of the United States~~ "Service agency" means any person who services a weight or measure for hire, award, commission, or any other payment of kind;

5. ~~"Person" means any individual, firm, partnership, corporation, organization, company or other legal entity~~ "Service technician" means any individual who services a weight or measure for hire, award, commission, or any other payment of kind; and

6. ~~"Placing-in-service report" means a report, on a form approved by the Board, listing the name, address, location of the commercial weight or measure and information stating in detail what services were performed and whether the weight or measure is new or removed from the premises, the date the service was performed and other pertinent information as required;~~

~~7. "Service" means to install, adjust, sell, repair, condition, recondition, overhaul, test or remove from installation, a weight or measure or weighing or measuring device;~~

~~8. "Service agency" means any person who services for hire, award, commission or any other payment of kind, a weight or measure;~~

~~9. "Service technician" means any individual who services for hire, award, commission or any other payment of kind, a weight or measure;~~

~~10.~~ "Test" means to test a weighing and measuring device according to the laws, rules, ~~regulations~~ and the specifications and tolerances ~~as provided~~ adopted by the National ~~Institute of Standards and Technology (NIST)~~ Conference on Weights and Measures and published in Handbook 44, "Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices"~~; and~~

~~11. "Weight and measure" means any weight or measure or weighing or measuring device or instrument of every kind used for determining weight or measure and any appliance or accessory associated with any or all such instruments and devices~~.

SECTION 69. AMENDATORY 2 O.S. 1991, Section 5-62.3, is amended to read as follows:

Section 5-62.3 A. It shall be unlawful ~~and a misdemeanor~~ for any person to do business as a service agency or service technician~~,~~ ~~unless such person has~~ without first ~~obtained and holds~~ obtaining a valid license issued by the State Board of Agriculture and ~~has paid~~ paying the license fee ~~as required by this act~~.

B. A service agency license ~~shall~~ may be issued by the Board after submitting an application ~~to the Board~~ on a form prescribed by the Board. The service agency shall have the appropriate amount of equipment and standards ~~as provided herein~~ and have employed a qualified licensed service technician in each category as stated on the application and such other information as ~~shall be~~ required by the Board. Failure to show proper qualification under the rules ~~and regulations~~ prescribed by the Board or for violations of any of the provisions of the Oklahoma Service Technician and Service Agency Act shall ~~make it~~ be grounds for the Board to deny the issuance~~,~~ or renewal ~~or re-issue~~ of the license.

C. An apprentice service technician license ~~shall~~ may be issued after submitting an application ~~to the Board~~ on a form prescribed by the Board. The apprenticeship license for new applicants, with no device-related educational training from an accredited or recognized institution or experience, shall be in effect for one year. All apprentice service technicians ~~must~~ shall work under the supervision of a licensed service technician when servicing a weight or measure. Failure to show proper qualifications under the rules ~~and regulations~~ prescribed by the Board or violations of any ~~of the~~ provisions of the Oklahoma Service Technician and Service Agency Act shall make it the duty of the Board to deny the issuance~~,~~ or renewal~~, or re-issue~~ of the license.

D. 1. An applicant for a service technician license shall submit an application ~~to the Board~~ on a form prescribed by the

Board. Failure to show proper qualifications under the rules ~~and regulations~~ prescribed by the Board or violations of any of the provisions of the Oklahoma Service Technician and Service Agency Act shall make it the duty of the Board to deny the issuance~~,~~ or renewal ~~or re-issuance~~ of the license.

~~E.~~ 2. A service technician license may be issued by the Board ~~under~~ pursuant to the provisions of the Oklahoma Service Technician and Service Agency Act, provided the applicant qualifies under the provisions of the Oklahoma Service Technician and Service Agency Act or any rule ~~and regulation adopted~~ promulgated by the Board ~~pursuant thereto~~ and the applicant is limited to the category or categories of weight or measure named on the license. The Board shall establish ~~such~~ necessary categories of weight or measure service ~~it deems necessary~~.

~~F.~~ 3. Each service technician license shall specify the kind of work in which the applicant is authorized to engage, and shall show the name and address of the person to whom it is issued, and the name of the service agency with whom the individual is employed. ~~All licenses are nontransferable and shall be returned to the Board upon separation of employment with the licensed service agency as stated on such license. Failure to return and continued use of such license upon separation of employment shall constitute a misdemeanor. The service agency shall immediately report the separation or termination of a licensed service technician's employment to the Board.~~

~~G.~~ 4. No service technician license shall be issued or remain valid if the Board finds that the applicant has been convicted of a weight or measure-related felony charge in any state or territory of the United States.

5. Any apprentice technician license and service technician license upon separation of employment with the licensed service agency as stated on the license shall be returned to the Board.

Failure to return and continued use of ~~such~~ license upon separation of employment shall constitute a violation. The service agency shall immediately report the separation or termination of a licensed service technician's employment to the Board.

~~H.~~ E. All licenses are nontransferable. All licenses shall expire on ~~June 30 following their issuance or renewal~~ a date specified by the Board and may be renewed for the ensuing ~~calendar~~ year, without penalty~~, provided a properly completed application is filed with the Board no later than July 1 each year~~. If application is not received within thirty (30) days of expiration date, a penalty of twice the amount of the renewal fee shall be charged for renewal of the license as applicable.

~~I.~~ F. The following fees shall be paid to the Board~~, and all such~~. All fees collected by the Board, pursuant to this subarticle, shall be deposited in the State Board of Agriculture Revolving Fund:

1. A fee of One Hundred Dollars ($100.00) for the issuance or renewal of a license as a service agency;

2. A fee of Twenty-five Dollars ($25.00) for issuance or renewal of a license as a service technician for each category of weights and measures serviced;

3. A fee of Ten Dollars ($10.00) for the issuance of a license for an apprentice service technician; and

4. A fee of Ten Dollars ($10.00) for the issuance of a duplicate license.

~~J.~~ G. The Oklahoma Service Technician and Service Agency Act shall not apply to public utilities, public service corporations, rural electric associations, or municipal utilities and their subsidiaries during work on their own facilities or during the performance of energy audits, operations, inspections, maintenance, or repairs for their customers or on their own equipment.

SECTION 70. AMENDATORY 2 O.S. 1991, Section 5-62.4, is amended to read as follows:

Section 5-62.4 When necessary for the enforcement of the Oklahoma Service Technician and Service Agency Act, the State Board of Agriculture shall have the following powers and duties:

1. Issue stop sale, stop use, hold, and removal orders with respect to any weight or measure found to be in violation of the Oklahoma Service Technician and Service Agency Act;

2. Seize for use as evidence any incorrect or unapproved weight or measure found to be used, retained, or sold in violation of ~~the provisions of~~ the Oklahoma Service Technician and Service Agency Act~~,~~ or ~~regulations~~ rules promulgated pursuant thereto;

3. Conduct investigations to ensure compliance with the Oklahoma Service Technician and Service Agency Act and rules promulgated thereto; and

4. Enter into contracts with state or federal agencies for the conduct of weight and measure testing.

SECTION 71. AMENDATORY 2 O.S. 1991, Section 5-62.5, is amended to read as follows:

Section 5-62.5 Licensed service technicians and service agencies shall:

1. Submit a placing in service report to the State Board of Agriculture within five (5) calendar days after service is provided when required by the Board;

2. Have the authority to remove an official rejection tag after the device has been repaired, tested, and found to meet requirements. The rejection tag and the service technician/service agency test report ~~must~~ shall accompany the placing-in-service report submitted to the Board;

3. Attach a seal approved by the Board identifying the service agency, signed and dated by the service technician, stating that the commercial device has been tested in accordance with the provisions ~~of National Institute of Standards and Technology (NIST)~~ in Handbook 44 and is suitable for use as a commercial device;

4. Have available and use sufficient standards and equipment to adequately test weights and measures as set forth in the notes section of each applicable code in ~~the NIST~~ Handbook 44, "Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices", and have ~~such~~ the handbook in their possession. ~~Such~~ The equipment shall meet the specifications corresponding to the series of NIST Handbook 105, "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures", supplements ~~thereto~~ and revisions ~~thereof~~;

5. Submit to the Board, as required by the Board of Control of the State Bureau of Standards, for examination and certification, any standards and testing equipment that are used or are to be used in the performance of the service and testing functions. A licensed service technician or service agency shall not use any weight or measure standard or testing equipment that has not been approved by the Board; and

6. Maintain ~~such~~ all records ~~that may be~~ required by the Board.

SECTION 72. AMENDATORY 2 O.S. 1991, Section 5-62.6, is amended to read as follows:

Section 5-62.6 Nothing in the Oklahoma Service Technician and Service Agency Act shall prohibit a weight or measure owner or ~~his~~ a regular employee of the owner from servicing or repairing ~~such~~ a device. However, if ~~said~~ the device is found out of tolerance and is rejected by the State Board of Agriculture ~~for repairs~~, the owner is responsible for repairing the device within the time specified on the rejected tag ~~and~~. In addition, the owner shall notify the Board when the device is repaired and in operation. The owner shall pay a fee commensurate with the expense incurred by the Board in performing the follow-up inspection or test.

SECTION 73. AMENDATORY 2 O.S. 1991, Section 5-62.7, is amended to read as follows:

Section 5-62.7 Equipment calibrated and certified as required by the board of control by another state's weights and measures laboratory~~,~~ that can show traceability to and is certified by the National Institute of Standards and Technology~~,~~ shall ~~also~~ be recognized as equipment suitable for use by licensed service technicians or service agencies in this state.

SECTION 74. AMENDATORY 2 O.S. 1991, Section 5-62.8, is amended to read as follows:

Section 5-62.8 The State Board of Agriculture shall administer and enforce the provisions of the Oklahoma Service Technician and Service Agency Act~~,~~ and shall ~~make, adopt or~~ promulgate rules, ~~regulations,~~ standards and evaluations, and work performance of each category of weight or measure ~~pursuant thereto~~. ~~Such~~ The rules, ~~regulations~~ and standards or evaluation of weight or measure shall conform as nearly as practicable to the handbooks as specified ~~herein~~ in this article and adopted by the National Conference on Weights and Measures ~~and published by the National Institute of Standards and Technology (NIST)~~.

SECTION 75. AMENDATORY 2 O.S. 1991, Section 5-62.9, is amended to read as follows:

Section 5-62.9 A. ~~A license shall be suspended, canceled, revoked or refused re-issue by the~~ The State Board of Agriculture may suspend, cancel, revoke, or refuse reissuance of a license after the person has an opportunity for public hearing pursuant to the Administrative Procedures Act, ~~Section 250 et seq. and 301 et seq. of Title 75 of the Oklahoma Statutes, and~~. In addition, the person may be prosecuted ~~in the court of proper jurisdiction~~ for any ~~violation of this act.~~ of the following violations ~~The following shall be a violation of this act~~:

1. Failure to correct work on each job which fails to meet the requirements ~~of~~ and required testing procedures as adopted by the National ~~Institute of Standards (NIST)~~ Conference on Weights and

Measures and published in Handbook 44 as amended ~~and the required testing procedures~~;

2. Failure to complete the placing-in-service report in its entirety and to report the accurate description of parts replaced, adjusted, or reconditioned ~~or~~ and work performed;

3. Failure to report in a contract or work agreement~~, showing~~ a written explanation of the actual repairs required to repair the weight or measure to meet the requirements;

4. Failure to furnish to the Board, upon request, duplicated copies of the service agency or any service technician weight or measure test report, or any other information required by the Board;

5. To test or place in service a weight or measure that does not meet the requirements for a commercial device as specified in ~~the NIST~~ Handbook 44 and the required testing procedures for the category of weight and measure;

6. Making a misrepresentation for the purpose of defrauding;

7. Operating as a service technician or service agency without proper license;

8. Repairing a weight or measure unless the repair involved causes ~~such~~ the weight or measure to meet the requirements of the Oklahoma Service Technician and Service Agency Act for at least ninety (90) days after ~~such~~ the repairs;

9. Failure to submit a placing-in-service report to the Board within five (5) calendar days after ~~such~~ that repair, installation, or removal is performed; and

10. Filing a false or fraudulent application to the Board.

B. ~~Except as otherwise provided for by law,~~ It shall be unlawful for any person, holder or nonholder of a valid license ~~convicted in a court of proper jurisdiction of violating~~ to violate any ~~of the~~ provisions of the Oklahoma Service Technician and Service Agency Act or rules promulgated thereto. Any violation shall be ~~guilty of a misdemeanor,~~ punishable by the imposition of a fine of

not less than One Hundred Dollars ($100.00) and not more than Ten Thousand Dollars ($10,000.00) ~~or by imprisonment in the county jail for not less than thirty (30) days and not more than one (1) year, or by both said fine and imprisonment~~.

SECTION 76. AMENDATORY 2 O.S. 1991, Section 5-301, is amended to read as follows:

Section 5-301. ~~Sections 1 through 7 of this~~ This ~~act~~ subarticle shall be known ~~and may be cited~~ as the "Oklahoma Organic Food Act".

SECTION 77. AMENDATORY 2 O.S. 1991, Section 5-302, is amended to read as follows:

Section 5-302. The purpose of the Oklahoma Organic Food Act is to permit and facilitate the production and marketing of organically grown ~~food~~ crops in a manner which assures the consumer that the ~~food~~ crop has been produced and marketed without the use of ~~synthetic chemicals~~ prohibited substances.

SECTION 78. AMENDATORY 2 O.S. 1991, Section 5-303, is amended to read as follows:

Section 5-303. For purposes of the Oklahoma Organic Food Act:

1. ~~"Board" means the State Board of Agriculture or an authorized agent of the Board;~~

~~2.~~ "Certification" means the annual process by which ~~an organization, business, or firm concerned with production, processing, distribution, or general promotion~~ a grower of organic foods ~~verifies that a given farm or processor~~ meets the standards ~~set forth in the rules and regulations~~ promulgated by the State Board of Agriculture pursuant to the Oklahoma Organic Food Act;

~~3.~~ 2. "Organic farming" means production of crops based upon a system of ~~ecological~~ soil and crop management that relies on building humus levels through crop rotations, recycling organic wastes, and applying balanced mineral amendments and that uses, when necessary, mechanical, botanical, or biological controls;

~~4.~~ 3. "Organic food" means ~~food~~ crops produced under a system of organic farming and ~~is~~ which are processed, packaged, transported, and stored ~~so as~~ to retain ~~maximum~~ nutritional value without the use of artificial preservatives, coloring agents or other additives, ionizing radiation, or ~~synthetic pesticides~~ prohibited substances;

4. "Producer" means a person who is engaged in the business of planting, growing, or harvesting crops;

5. ~~"License" means a certificate issued by the Board authorizing the sale of organic foods that have met the standards of the Oklahoma Organic Food Act and of the rules promulgated thereto~~ "Prohibited substance" means a chemical compound or formulation which is not permitted to be used in organic production, processing, or handling; and

6. ~~"Person" means any individual, partnership, firm, corporation, company, association, organized groups, or any other legal entity;~~

~~7. "Producer" means a person who is engaged in the business of growing or producing food; and~~

~~8.~~ "Transitional period" means the ~~period of time~~ three-year interval required to change from nonorganic production methods to organic farming.

SECTION 79. AMENDATORY 2 O.S. 1991, Section 5-304, is amended to read as follows:

Section 5-304. A. The State Board of Agriculture may issue a license upon request~~, after final documentation, that~~ if all requirements ~~set forth in~~ of the Oklahoma Organic Food Act have been met. A properly completed license application shall be submitted with a fee of One Hundred Dollars ($100.00) by March 31 of each year. No person shall market, label, or advertise any food as being ~~"Oklahoma Department of Agriculture Certified Organic"~~ "Certified Organic" or ~~"Organic Certification Pending - Transitional" without~~

~~being~~ "Organic Certification - Transitional" unless in compliance with the Oklahoma Organic Food Act and/or the Organic Food Production Act of 1990, as amended, 7 U.S.C. Section 6501 et seq. and rules promulgated thereto. Nothing in ~~this act~~ the Oklahoma Organic Food Act shall be construed~~, however,~~ to prevent a person from offering for sale crops produced ~~by him~~ under organic farming practices, so long as the producer does not label ~~his produce~~ the product as certified by the Board ~~to have met~~ as meeting the conditions for "certification" ~~as defined~~ specified by ~~this act~~ the Oklahoma Organic Food Act.

B. The Board is authorized to inspect, sample, analyze, examine records, and test any food claimed to be organically grown, ~~that is~~ distributed within the state to determine if the food is in compliance with the Oklahoma Organic Food Act. The Board has the authority to enter upon public or private property at any reasonable time for the purpose of administering the Oklahoma Organic Food Act. Any licensee or applicant for license subject to the provisions of the Oklahoma Organic Food Act shall be deemed to have given consent to any ~~duly~~ authorized ~~employee or~~ agent of the Board to access, enter, inspect, or monitor ~~such~~ the property. Refusal to allow ~~such~~ access, entry, or inspection shall constitute grounds for the denial, nonrenewal, suspension, or revocation of a license.

C. The Board is authorized to promulgate ~~such~~ rules ~~and regulations~~ as ~~it may deem~~ necessary to administer the Oklahoma Organic Food Act and establish certification standards ~~needed~~ to carry out ~~and make effective~~ the Oklahoma Organic Food Act.

D. The Board is authorized to revoke ~~or~~, suspend or not renew any license upon satisfactory proof that the permittee has violated any of the provisions of the Oklahoma Organic Food Act or ~~any of the~~ rules promulgated thereto.

SECTION 80. AMENDATORY 2 O.S. 1991, Section 5-305, is amended to read as follows:

Section 5-305. A. Organically certified food shall be produced on land meeting the requirements ~~as~~ specified in the certification standards. The two classes of certification that will be recognized are "Organic Certification" and ~~"Organic Certification Pending - Transitional"~~ "Organic Certification - Transitional".

B. The State Board of Agriculture may certify land as organically managed only if harvest occurs at least three (3) years after the beginning of continual and continuing use of organic farming practices on ~~such~~ the land.

C. The Board shall certify whole farms, farm units, or individual fields after the review and acceptance of the producer's detailed farm plan.

D. The Board shall not certify part of the farm unless ~~there exist~~ distinct~~,~~ and defined boundaries exist between fields under organic management and other fields, and the proposed acreage will be used for a bona fide trial of organic management methods.

E. During the transitional period, producers of plant crops who have satisfied all other requirements for certification, except passage of the required transitional period, may market their crop under ~~an Oklahoma~~ a State Department of Agriculture transitional license. The transitional license holder shall not use the terms "certified" or "Oklahoma Department of Agriculture Certified Organic", but shall use the phrase ~~"Organic Certification Pending - Transitional"~~ "Organic Certification - Transitional".

F. The Board may require soil and tissue testing to monitor fertility and evaluate soil management methods. Plant materials, irrigation, weed, insect, and disease controls used in crop management shall conform with recognized organic practices.

G. Organic foods shall be properly handled during harvesting, storing, transporting, and marketing to maintain ~~their~~ identity and quality.

H. The Board shall require laboratory analysis of produce claimed to be organically grown if it has reasonable cause to suspect the produce may contain a substance not approved for organic production.

I. All new applicants are required to have their soil growing media and irrigation water, if not municipal, assayed for the presence of pesticide residues and tested at the producers' expense.

SECTION 81. AMENDATORY 2 O.S. 1991, Section 5-306, is amended to read as follows:

Section 5-306. A. Crop production records shall be kept for each farm, farm unit, field, or other production unit for which application for certification is made.

B. A producer of both organic produce and ~~other~~ conventional produce on the same farm shall keep separate records for each ~~of the two categories~~ category of produce.

C. Records of all laboratory analyses performed for a producer~~,~~ including soil tests, plant-tissue tests, forage tests, bacteria counts, and residue tests in soil, water, or crops shall be available for review by the State Board of Agriculture.

D. Verification documents that may be required include, but are not limited to, questionnaires, farm plans, affidavits, inspection reports, laboratory ~~analysis~~ assays, and other documents ~~as required~~ to ~~show~~ verify the path taken by an organic food product through post harvest handling and distribution.

E. The Board may conduct audits of all documents ~~that are needed to verify~~ for verification that producers meet the requirements of the Oklahoma Organic Food Act and rules ~~promulgated thereto~~.

SECTION 82. AMENDATORY 2 O.S. 1991, Section 5-307, is amended to read as follows:

Section 5-307. A. The State Board of Agriculture is authorized to issue ~~and enforce~~ a written or printed ~~"stop-sale, use, or~~

~~removal"~~ "stop-sale" or "notice of violation" order to the owner or custodian of a food being offered or exposed for sale in violation of the Oklahoma Organic Food Act or rules promulgated thereto.

B. Any person violating the provisions of the Oklahoma Organic Food Act shall, upon conviction ~~in a court of competent jurisdiction,~~ thereof, be guilty of a misdemeanor and may be punished by a fine of not more than One Thousand Dollars ($1,000.00). ~~For the purposes of this section, each~~ Each day ~~upon which~~ a violation ~~is committed or is permitted to continue~~ continues shall be ~~deemed~~ a separate offense.

~~C. If, after public hearing in accordance with the Administrative Procedures Act, the Board shall find any person to be in violation of any of the provisions of the Oklahoma Organic Food Act, the Board has the authority to assess, after notice and hearing, an administrative penalty of not less than One Hundred Dollars ($100.00) and not more than One Thousand Dollars ($1,000.00) for each violation. For the purpose of this section, each day upon which a violation is committed or is permitted to continue shall be deemed a separate offense.~~

SECTION 83. AMENDATORY 2 O.S. 1991, Section 9-20, is amended to read as follows:

Section 9-20. ~~Sections 2 through 17 of this act and Sections 9-31, 9-32, 9-33, 9-35, 9-36 and 9-37~~ This subarticle shall be known and may be cited as the "Public Warehouse and Commodity Indemnity Act".

SECTION 84. AMENDATORY 2 O.S. 1991, Section 9-21, as amended by Section 1, Chapter 10, O.S.L. 1997 (2 O.S. Supp. 1999, Section 9-21), is amended to read as follows:

Section 9-21. As used in the Public Warehouse and Commodity Indemnity Act:

1. ~~"Person" means any individual, corporation, partnership, firm, company, association or other legal entity~~ "Charter" means a

franchise issued to a person for the operation of a public warehouse;

2. ~~"Public warehouse" means any place where commodities are received for storage or for handling for restorage or both such storage and for handling for restorage;~~

~~3. "Warehouseman" means any person operating a public warehouse~~;

~~4.~~ "Commodities" means nonperishable grains or ~~field~~ seeds~~, and shall include but not be limited to corn, wheat, rye, oats, barley, sorghum, or soybeans~~;

3. "Depositor" means any person storing commodities with a state-chartered or federally licensed warehouse;

4. "Full market value" means the value required by law to be used by insurance underwriters in paying for losses of commodities insured for their actual cash value;

5. ~~"Warehouse receipt" means every receipt, whether negotiable or nonnegotiable, issued by a warehouseman~~ "Indemnity" means the Oklahoma Commodity Storage Indemnity Fund;

6. ~~"Department" means the Oklahoma Department of Agriculture;~~

~~7. "Full market value" means the value required by law to be used by insurance underwriters in paying for losses of commodities insured for their actual cash value~~

~~8.~~ "Loss" means any monetary ~~loss~~ reduction in value to a producer ~~which is~~ of an extraordinary nature and which shall include, but not be limited to, bankruptcy, embezzlement, theft or fraud;

7. "Producer" means any person planting, raising, growing, or harvesting commodities;

8. "Public warehouse" means any place where commodities are received for storage, received for transfer to other public warehouses, or both;

9. ~~"Producer" means any producer of commodities;~~

~~10.~~ "Storage" or "warehousing" means any method ~~by which commodities owned by another are held for such party by one not~~ of holding commodities by a party other than the direct owner ~~thereof,~~ except for transportation ~~thereof~~;

10. "Warehouseman" means any person operating a public warehouse; and

11. ~~"Board" means the State Board of Agriculture;~~

~~12. "Indemnity" means the Oklahoma Commodity Storage Indemnity Fund;~~

~~13. "Depositor" means any person storing commodities with a state-chartered warehouse; and~~

~~14. "Charter" means a franchise given to a person for the operation of a public warehouse~~ "Warehouse receipt" means every receipt issued by a warehouseman for commodities pursuant to the Public Warehouse and Commodity Indemnity Act.

SECTION 85. AMENDATORY 2 O.S. 1991, Section 9-23, as amended by Section 3, Chapter 10, O.S.L. 1997 (2 O.S. Supp. 1999, Section 9-23), is amended to read as follows:

Section 9-23. A. Each application for a charter ~~issued by the State Board of Agriculture to operate a public warehouse~~ shall ~~state~~ include the name used by ~~or under which such~~ the warehouse ~~is to be operated,~~ and the name shall be shown on the charter. No warehouse shall be operated by or under any name other than that shown on the charter ~~issued for the operation thereof~~.

B. No charter shall be issued or remain valid~~, if already issued,~~ if the ~~Board finds that the~~ applicant or warehouseman has:

1. Failed to meet or maintain the financial or surety requirements;

2. Filed an incomplete or fraudulent application or report;

3. Inadequate facilities to properly store and maintain commodities;

4. Failed to properly store commodities or maintain the quality and quantity of commodities in storage;

5. Failed to pay required fees; or

6. Been convicted of a felony based on fraud, theft, embezzlement, misappropriation of funds, or any act of moral turpitude.

SECTION 86. AMENDATORY 2 O.S. 1991, Section 9-24, as amended by Section 4, Chapter 10, O.S.L. 1997 (2 O.S. Supp. 1999, Section 9-24), is amended to read as follows:

Section 9-24. A. ~~To afford added protection to the Commodity Storage Indemnity Fund, upon~~ Upon the suspension or revocation of the state charter ~~or~~, federal license, or bond of a warehouseman, the State Board of Agriculture may file a lien ~~in the office of~~ against all assets of the warehouseman with the county clerk of any county in which ~~such~~ the warehouseman has property ~~against all assets of the warehouseman in such county, in an amount to be fixed by the Board. Such lien may be enforced in a court of competent jurisdiction~~.

B. ~~At the time the state charter of a public warehouseman is suspended or revoked, the~~ The Board shall publish notice for two (2) consecutive weeks in a newspaper of general circulation in the ~~county and in the~~ area of the public warehouse ~~stating that~~ when the warehouse charter is ~~out of business as a public warehouse~~ suspended or revoked.

C. When the charter of a warehouseman is renewed after suspension or revocation ~~of the state charter~~, the Board shall publish notice for two (2) consecutive weeks in a newspaper of general circulation in the area of the public warehouse ~~stating~~ that the warehouse is in compliance with the Public Warehouse and Commodity Indemnity Act.

D. Upon suspension of ~~a state~~ the charter ~~of any warehouseman~~, the Board may seize all commodities under the control of the

warehouseman, including~~, but not limited to,~~ commodities ~~restored at~~ stored or forwarded to other locations. The Board, upon revocation of the charter, shall seize all commodity stocks of the warehouseman including any commodities ~~restored at~~ stored or forwarded to other locations and ~~salvage such~~ sell the commodities ~~through sale~~. Funds generated by ~~such~~ the sale of seized commodities shall be distributed in the following manner:

1. The Board shall receive an amount equal to the cost of salvage operations;

2. All remaining funds shall be proportioned among all ~~persons, including~~ producers storing commodities with the warehouseman~~; provided, no~~. No person shall receive payment of ~~any percentage of~~ funds greater than ~~those received~~ the fair market value of the commodity lost by the producer ~~as provided in subsection C of Section 9-45 of this title~~ on the date of seizure;

3. ~~Except as otherwise provided in the Public Warehouse and Commodity Indemnity Act, funds~~ Funds generated in excess of the payments ~~provided~~ required by the Public Warehouse and Commodity Indemnity Act shall be deposited in the Indemnity; and

4. ~~Persons having been found in violation~~ The persons responsible for violations of the Public Warehouse and Commodity Indemnity Act~~, wherein such violation results~~ resulting in a charter revocation ~~and~~ or commodity seizure~~,~~ shall not be eligible to claim or recover proceeds from the sale or interest accrued on the proceeds from the sale of ~~salvage~~ seized commodities unless approved by the Board.

E. A person storing commodities with a warehouseman ~~who does~~ not ~~hold~~ holding a valid charter ~~as a warehouseman~~ or federal license is not eligible to file a claim ~~nor~~ or recover damages under ~~the provisions of~~ the Public Warehouse and Commodity Indemnity Act.

F. 1. Upon revocation of the warehouse charter, the Board shall ~~immediately seize all commodities and salvage such commodities~~

~~through sale as provided in subsection D of this section. The Department shall proceed to ascertain if there is~~ identify any loss to the depositors and obtain proof ~~thereof~~. ~~Upon ascertainment of any such loss, the~~ The Board shall immediately notify any bonding company ~~that provided~~ providing a bond for ~~such~~ a loss. As soon as practicable, the Board shall communicate the amount of ~~such~~ the loss ~~along with~~, proof ~~thereof~~, and the date of loss ~~as determined by the Board~~ and seizure to the bonding company. ~~Said~~ The bonding company shall within thirty (30) calendar days remit to the Board the amount of the loss ~~so communicated~~ or the face amount of the bond, whichever is less.

2. Failure by the bonding company to surrender the funds shall result in a nonrefundable penalty assessment payable to the Board of one percent (1%) per month plus interest of one percent (1%) per month of the face amount of the bond commencing with the date of loss and continuing until ~~such~~ the surety funds are surrendered. The Board shall account for all the surety received until all depositor claims against the ~~chartered~~ charter holder are paid as provided in the Public Warehouse and Commodity Indemnity Act. When all ~~such~~ claims have been paid, all unexpended bond surety funds including accrued interest, except penalties, shall be returned to the bonding company.

3. The provisions of this section shall not prohibit the Board from pursuing any other remedy provided by ~~the Public Warehouse and Commodity Indemnity Act or as otherwise provided by~~ law.

G. The Board shall establish a date of loss which shall be the ~~basis~~ same as the date of seizure for all claims of loss against a warehouseman. The Board shall publish the date of loss ~~in a manner~~ as set forth in subsection B of this section and shall notify by registered mail all depositors who may have a claim against a warehouseman of the date of loss and deadline for filing claims.

H. To be eligible to file a claim of loss and receive payment as provided in the Public Warehouse and Commodity Indemnity Act, a person ~~must~~ shall establish ownership or title to commodities stored or warehoused with the warehouseman against whom the loss is alleged. Evidence of ~~such~~ ownership or title shall include ~~but shall not be limited to~~ uncanceled warehouse receipts or scale tickets. The Board shall determine the sufficiency of evidence of ownership or title.

I. Depositors shall, within one hundred twenty (120) days of the order of the Board establishing the date of loss, file a written claim of loss with the Board. If ~~such~~ the claim of loss is not filed within the ~~aforesaid~~ allotted time, the depositor shall forfeit all rights to remuneration or payment ~~as provided in the Public Warehouse and Commodity Indemnity Act~~.

SECTION 87. AMENDATORY 2 O.S. 1991, Section 9-25, as amended by Section 5, Chapter 10, O.S.L. 1997 (2 O.S. Supp. 1999, Section 9-25), is amended to read as follows:

Section 9-25. A. ~~Any~~ When requested by the State Board of Agriculture, any warehouseman, who stores or handles for ~~restorage~~ storage commodities ~~subject to the provisions of the Public Warehouse and Commodity Indemnity Act, when requested by the State Board of Agriculture or any authorized agent thereof,~~ shall make a report to the Board concerning the condition, conduct, operation, and business of each public warehouse the warehouseman operates and the commodities stored ~~therein~~ at each location.

B. Any warehouseman who stores or handles for ~~restorage~~ storage commodities ~~subject to the provisions of the Public Warehouse and Commodity Indemnity Act~~ shall permit any authorized agent ~~of the Board~~ to enter and audit each warehouse ~~and~~, its contents, examine all warehouse receipts and scale tickets, examine all deferred price and deferred payment contracts, examine all records involving the sale or purchase of commodities to or from other warehouses or

persons, verify all records related to forwarded grain or grain in transit, and the storage and financial records ~~thereof~~. The public warehouseman shall render any assistance ~~necessary~~ required by the Board in checking any condition or books in connection ~~therewith~~ with each location or warehouse.

C. The authority granted the Board in this section shall include all warehouse receipts, scale tickets, deferred price and deferred payment contracts, forwarded grain or grain in transit, sales or purchases of commodities to or from other warehouses or persons, commodities and open storage records ~~concerning open storage~~. The Board shall verify~~, in the same manner as the United States Department of Agriculture,~~ the accuracy of commodity open storage records when commodities ~~have been restored~~ are stored at other locations.

D. 1. The Board shall make at least one inspection or examination annually of each state chartered warehouse ~~storing or handling for restorage commodities subject to the provisions of the Public Warehouse and Commodity Indemnity Act~~. The Board shall charge ~~for such inspection and examination~~ a fee, that when used in conjunction with available appropriated funds is sufficient to pay the cost of each examination or inspection. A warehouseman may request an additional inspection or examination at a fee commensurate with the actual cost ~~of such inspection or examination~~. All ~~such~~ inspection or examination fees collected shall be deposited in the State Department of Agriculture Revolving Fund.

2. The Board may enter cooperative agreements with the United States Department of Agriculture for warehouse inspections. ~~Provided, however, no~~

3. No provisions of this section shall apply to warehouses licensed under the U.S. Warehouse Act, Title 7, U.S.C., Section 241 et seq.

SECTION 88. AMENDATORY 2 O.S. 1991, Section 9-26, as amended by Section 6, Chapter 10, O.S.L. 1997 (2 O.S. Supp. 1999, Section 9-26), is amended to read as follows:

Section 9-26. A. Each ~~person chartered pursuant to the provisions of the Public Warehouse and Commodity Indemnity Act~~ state-chartered warehouseman shall insure~~,~~ and ~~shall at all times~~ keep insured, in the ~~person's~~ warehouseman's own name, all of the commodities in store, ~~or~~ received for storage, or ~~for handling~~ handled for ~~restorage or both the~~ storage ~~or handling for restorage,~~ for the full market value ~~thereof~~ of the commodities, against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone, or tornado.

B. In the event of any loss or damage to ~~such~~ the commodities~~,~~ or ~~to~~ the warehouse ~~or warehouses, whether or not such loss was insured against~~, ~~such person~~ the warehouseman shall immediately notify the State Board~~,~~ of Agriculture and at the expense of ~~such person shall~~ the warehouseman promptly take the steps necessary to collect any monies which may be due as indemnity for ~~such~~ the loss or damage.

C. In the event the warehouseman insures against hazards not specified ~~herein~~, ~~such~~ the insurance shall inure to the benefit of the ~~holders of the warehouse receipts~~ producers.

SECTION 89. AMENDATORY 2 O.S. 1991, Section 9-27, as amended by Section 7, Chapter 10, O.S.L. 1997 (2 O.S. Supp. 1999, Section 9-27), is amended to read as follows:

Section 9-27. A. 1. Each warehouseman, upon weighing commodities, shall issue a scale ticket to the person from whom the commodities are received ~~in~~ on a form ~~or forms~~ approved by the State Board of Agriculture. No scale ticket shall be issued unless the Board has approved the form ~~of the scale ticket~~. The scale ticket shall contain, but not be limited to, preprinted consecutive numbers and lines for entering the weight, grade, kind, test, and moisture

of the commodity, ~~when applicable,~~ the name and address of the owner, and the signature or initials of the licensed weigher and grader. The grade and the factors used to establish ~~said~~ the grade shall be documented on each scale ticket.

2. Each warehouseman is required to have a licensed weigher and grader ~~licensed by the Board~~ at each location to supervise the weighing and grading of commodities received and ~~is further required to have a licensed weigher and grader fill out and~~ sign the scale ticket.

3. ~~Such~~ The scale ticket shall be nonnegotiable, but may singly or with others be exchanged for a state or federal negotiable warehouse receipt~~, either state or federal~~. A scale ticket has protection under the surety provisions of the Public Warehouse and Commodity Indemnity Act equal to a warehouse receipt.

4. No warehouseman shall store ~~or restore~~ a commodity except in a state-chartered or federally licensed and bonded warehouse.

B. The warehouseman, in the absence of some lawful excuse, shall~~, without unnecessary delay,~~ immediately deliver the commodities stored ~~therein~~ upon a demand made either by the holder of a receipt for ~~such~~ the commodities or by the depositor ~~thereof~~ if ~~such~~ the demand ~~be~~ is accompanied ~~with~~ by:

1. An offer to satisfy the warehouseman's lien;

2. An offer to surrender the receipt, if negotiable, with ~~such~~ endorsements as ~~would be~~ necessary for the negotiation of the receipts; and

3. A readiness and willingness to sign~~, when the commodities are delivered,~~ an acknowledgment that ~~they~~ the commodities have been delivered if ~~such~~ a signature is requested by the warehouseman.

SECTION 90. AMENDATORY 2 O.S. 1991, Section 9-31, as amended by Section 9, Chapter 10, O.S.L. 1997 (2 O.S. Supp. 1999, Section 9-31), is amended to read as follows:

Section 9-31. A. ~~In case~~ If a warehouse receipt is lost or destroyed and a duplicate receipt is desired, a duplicate shall be issued ~~therefor~~ in the same manner as the original receipt upon affidavit of the owner of the original receipt that ~~such~~ the receipt has been lost or destroyed. When the owner has furnished the warehouseman an acceptable bond in an amount equal to the value of the commodities represented by the lost or destroyed receipt at the time the bond is given, the bond shall indemnify the warehouseman against loss or damage by reason of the issuance of ~~such~~ the duplicate receipt.

B. ~~In case~~ If a warehouse receipt is lost or destroyed and a settlement for the stored commodities is desired, the settlement shall be made upon affidavit of the owner of the original receipt that ~~such~~ the receipt has been lost or destroyed. When the owner has furnished the warehouseman an acceptable bond in an amount equal to the value ~~at the time the bond is given,~~ of the commodities represented by ~~such~~ the lost or destroyed receipt at the time the bond is given, ~~which~~ the bond shall indemnify the warehouseman against loss or damage sustained by reason of making ~~such~~ the settlement of delivering ~~such~~ the described commodities.

C. Bonds executed in ~~pursuance of subsections A and B of~~ accordance with this section shall be treated as canceled original warehouse receipts.

SECTION 91. AMENDATORY 2 O.S. 1991, Section 9-32, as amended by Section 10, Chapter 10, O.S.L. 1997 (2 O.S. Supp. 1999, Section 9-32), is amended to read as follows:

Section 9-32. Each warehouseman shall maintain ~~sufficient~~ correct and accurate scales and equipment for weighing and keeping records of all commodities received.

SECTION 92. AMENDATORY 2 O.S. 1991, Section 9-33, as amended by Section 11, Chapter 10, O.S.L. 1997 (2 O.S. Supp. 1999, Section 9-33), is amended to read as follows:

Section 9-33. All commodities received by a warehouseman shall be inspected, graded, and stored ~~with commodities of a similar grade received at or near the same time as any other similar commodities~~ by commodity. If the owner or consignee requests and the warehouseman consents ~~thereto~~, the owner's or consignee's commodities may be kept in a separate bin~~, apart from that of the general stock of the warehouse~~. The bin shall be marked "Special" with the name of the owner and with the quantity and grade of the commodities.

SECTION 93. AMENDATORY 2 O.S. 1991, Section 9-34, as last amended by Section 6, Chapter 157, O.S.L. 1999 (2 O.S. Supp. 1999, Section 9-34), is amended to read as follows:

Section 9-34. A. Any warehouseman, ~~or~~ employee, or manager of a public warehouse~~, who shall be guilty of~~ issuing any warehouse receipt for any commodities that are not actually ~~in a store~~ stored at the time of issuing ~~such~~ the receipt, ~~or who shall be guilty of~~ issuing any warehouse receipt~~, including~~ or scale ticket~~,~~ that is in any respect fraudulent in its character, either as to its date or to the quantity, quality, or inspected grade of ~~such~~ the commodities, or who shall remove any commodities from store, except to preserve the ~~same~~ commodities from fire or other damage ~~or as otherwise provided in this section,~~ without the return and cancellation of ~~any and~~ all outstanding receipts that may have been issued to represent ~~such~~ the commodities~~,~~ shall~~, when convicted~~ upon conviction thereof, be guilty of a felony. The fine for a violation of this section shall be not more than ~~Five Thousand Dollars ($5,000.00)~~ Ten Thousand Dollars ($10,000.00) or by imprisonment in the State Penitentiary for not more than ten (10) years or by both such fine and imprisonment.

B. The State Board of Agriculture, upon application from the warehouseman may approve the prepositioning of commodity stocks in state-chartered or federally licensed terminal warehouses ~~or other~~

~~warehouses licensed in this state~~ in order to free storage space for new harvest commodities. The period for such action shall not exceed sixty (60) days prior to anticipated beginning of harvest for the commodity nor can they be out of position more than one hundred eighty (180) days ~~total, provided for good cause shown, the~~. The Board may extend ~~such~~ the time period an additional one hundred eighty (180) days as specified by rules ~~and regulations established~~ promulgated by the Board.

SECTION 94. AMENDATORY 2 O.S. 1991, Section 9-35, as last amended by Section 31, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (2 O.S. Supp. 1999, Section 9-35), is amended to read as follows:

Section 9-35. Any warehouseman, ~~or the~~ manager, or other employee of a public warehouse, who issues or aids in issuing a warehouse receipt for any commodities, without knowing that the commodities have actually been placed in a public warehouse, ~~or~~ who delivers any commodities from a public warehouse without the surrender and cancellation of the warehouse receipt ~~therefor~~, or who fails to mark the depositor's receipt "Cancelled" on the delivery of ~~such~~ the commodities, shall, upon conviction, be guilty of a felony~~, and upon conviction thereof shall be punished by a~~. The fine for a violation of this section shall not be more than Ten Thousand Dollars ($10,000.00), or by imprisonment in the State Penitentiary for a term of not more than twenty (20) years, or by both such fine and imprisonment.

SECTION 95. AMENDATORY 2 O.S. 1991, Section 9-36, as last amended by Section 32, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (2 O.S. Supp. 1999, Section 9-36), is amended to read as follows:

Section 9-36. No public warehouse shall be designated as ~~being licensed~~ chartered or operated under the provisions of the Public Warehouse and Commodity Indemnity Act~~,~~ and no name or description

conveying the impression that it is ~~so~~ chartered or operated~~,~~ shall be used unless ~~such~~ the public warehouse is ~~so~~ chartered ~~and operated~~. Any person who misrepresents, ~~or who~~ forges, alters, counterfeits, simulates, or falsely represents the charter required by the Public Warehouse and Commodity Indemnity Act, or who issues ~~or~~, utters, or assists or attempts to issue or utter, a false or fraudulent receipt for any commodities, shall be, upon conviction, guilty of a felony ~~upon conviction thereof and~~. The fine for a violation of this section shall ~~be punished by a fine of~~ not be more than Ten Thousand Dollars ($10,000.00), or by imprisonment in the State Penitentiary for a term of not more than twenty (20) years, or by both such fine and imprisonment.

SECTION 96. AMENDATORY 2 O.S. 1991, Section 9-37, as last amended by Section 33, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (2 O.S. Supp. 1999, Section 9-37), is amended to read as follows:

Section 9-37. Any person who deposits~~,~~ or attempts to deposit~~,~~ in a public warehouse any commodities upon which a lien or mortgage exists, without notifying the manager of the public warehouse, and any person who, in order to procure any warehouse receipt, knowingly makes any false statement of material fact~~, knowing the statement is false,~~ shall, upon conviction, be ~~deemed~~ guilty of a felony~~, and upon conviction thereof~~. The fine for a violation of this section shall ~~be punished by a fine of~~ not be more than Ten Thousand Dollars ($10,000.00), or by imprisonment in the State Penitentiary for a period of not more than two (2) years, or by both such fine and imprisonment.

SECTION 97. AMENDATORY 2 O.S. 1991, Section 9-39, as amended by Section 17, Chapter 10, O.S.L. 1997 (2 O.S. Supp. 1999, Section 9-39), is amended to read as follows:

Section 9-39. The provisions of the Public Warehouse and Commodity Indemnity Act shall not apply to an individual producer-

owner who does not receive from other producers commodities for storage ~~or for~~, handling for ~~restorage~~ storage, or both ~~such storage and handling for restorage~~, but any ~~such~~ qualified producer-owner~~, if qualified,~~ may be issued a charter upon ~~request~~ proper application.

SECTION 98. AMENDATORY 2 O.S. 1991, Section 9-44, as amended by Section 19, Chapter 10, O.S.L. 1997 (2 O.S. Supp. 1999, Section 9-44), is amended to read as follows:

Section 9-44. There is hereby assessed two (2) mills per bushel ~~upon~~ on all commodities delivered by producers to any public warehouse. The assessment shall be imposed on the warehouse at the time ~~of receipt~~ the commodity is received and shall be collected and remitted to the State Department of Agriculture by the warehouseman. Under the provisions of the Public Warehouse and Commodity Indemnity Act, no commodity shall be subject to a fee more than once. The ~~Department~~ State Board of Agriculture shall have authority to examine warehouse records to determine if ~~said~~ the assessment has been properly remitted.

SECTION 99. AMENDATORY 2 O.S. 1991, Section 9-46, as amended by Section 21, Chapter 10, O.S.L. 1997 (2 O.S. Supp. 1999, Section 9-46), is amended to read as follows:

Section 9-46. A. The warehouseman shall render and have on file a report with the State ~~Department~~ Board of Agriculture by the last day of the month following any calendar quarter in which the warehouseman has accepted ten thousand (10,000) or more bushels of a commodity. If less than ten thousand (10,000) bushels have been accepted in any calendar quarter, the assessment may be reported and remitted with the following quarter's return, except that all assessments collected ~~must~~ shall be remitted at least once every six (6) months.

B. ~~In case~~ If any person~~, business or entity, public or private,~~ subject to the assessment ~~pursuant to the Public Warehouse~~

~~and Commodity Indemnity Act,~~ fails to make a report and remittance ~~when and~~ as required by law or rule, the ~~Department~~ Board shall determine the amount of ~~such~~ the assessment according to its best judgment and information~~, which~~. The amount ~~so fixed~~ of assessment established by the Board shall be prima facie correct~~,~~ and the person ~~so having failed~~ failing to make the report~~, within~~ shall have ten (10) calendar days after receipt of notice ~~of the amount of the assessment which is fixed and computed by the Department is~~ mailed by the Board to ~~such person, shall~~ pay the assessment, together with a penalty of five percent (5%) on the amount of the assessment. The person ~~so~~ failing to report may dispute the assessment ~~as fixed~~ established by the ~~Department~~ Board and request a hearing to determine the amount of the assessment and penalty to be imposed. ~~No payment~~ All assessment and penalty payments required following a hearing shall be made ~~until the Department enters its order determining the amount of the payment, but such shall be paid~~ within ten (10) ~~days'~~ calendar days after receipt of notice of ~~such decision~~ the Board order.

SECTION 100. AMENDATORY 2 O.S. 1991, Section 9-47.1, as amended by Section 23, Chapter 10, O.S.L. 1997 (2 O.S. Supp. 1999, Section 9-47.1), is amended to read as follows:

Section 9-47.1 Except as ~~otherwise~~ provided by law, any person ~~convicted in a court of proper jurisdiction of violating~~ found to be in violation of any of the provisions of the Public Warehouse and Commodity Indemnity Act shall be ~~deemed~~ guilty of a misdemeanor and shall ~~upon conviction thereof~~ be punished by a fine of not less than Five Hundred Dollars ($500.00) for the first offense and not less than One Thousand Dollars ($1,000.00) for each subsequent offense.

SECTION 101. AMENDATORY 2 O.S. 1991, Section 9-131, is amended to read as follows:

Section 9-131. For purposes of the Livestock Auction Market Act~~:~~

~~1. "Person" means any individual, firm, partnership, association, organization or corporation;~~

~~2. "Livestock~~, "livestock auction market" means any established place where livestock is regularly offered for sale at public auction~~; and~~

~~3. "Board" means the State Board of Agriculture~~.

SECTION 102. AMENDATORY 2 O.S. 1991, Section 9-132, as last amended by Section 97, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1999, Section 9-132), is amended to read as follows:

Section 9-132. A. Except as ~~otherwise~~ provided by subsection C of this section, no person shall operate, conduct, or maintain a livestock auction market unless the person holds a livestock auction market license issued by the State Board of Agriculture and has:

1. Executed a corporate surety bond pursuant to the provisions of this section. The bond shall be conditioned upon the prompt and faithful accounting for all livestock received, handled, or sold, and the remittance of the proceeds from any sale, purchase, or exchange of any livestock to the consignor ~~thereof~~;

2. Opened a certificate of deposit account or a money market savings account. For a certificate of deposit account or a money market savings account to be eligible pursuant to the provisions of this section:

a. the account ~~must~~ shall be opened at a federally insured financial depository,

b. an officer of the financial depository ~~must~~ shall specifically acknowledge and guarantee the deposit of the funds required by subsection B of this section until otherwise released pursuant to this subsection,

c. the person operating, conducting, or maintaining a livestock auction market may only withdraw ~~any~~ funds deposited in a certificate of deposit account or a money market savings account ~~one hundred twenty (120)~~

sixty (60) days after ~~such~~ the person has permanently ceased operations of ~~such~~ the livestock auction market unless ~~such~~ the person presents to the financial institution a written authorization for release of funds by the ~~Oklahoma~~ State Department of Agriculture; or

3. Provided other financial instruments allowable for livestock markets by the Federal Packers and Stockyards Act of 1921, as amended.

B. The corporate surety bond or account required by subsection A of this section for any person operating, conducting, or maintaining a livestock auction market shall be in accordance with the provisions of the Federal Packers and Stockyards Act of 1921, as amended, but not less than Twenty-five Thousand Dollars ($25,000.00).

C. The corporate surety bond or account required by subsection A of this section shall not be required of any person who~~, as to such livestock auction markets,~~ has executed and maintained a corporate surety bond or account of Twenty-five Thousand Dollars ($25,000.00) to secure the performance of ~~such~~ obligations under the provisions of the Federal Packers and Stockyards Act of 1921, as amended.

D. 1. Any corporate surety company issuing a bond to any person as specified by subsection A or C of this section for operating, conducting, or maintaining a livestock auction market shall notify the Board ~~within seven (7)~~ in writing not less than thirty (30) days ~~in writing of such notice of~~ prior to the cancellation or nonrenewal of the bond.

2. The Board shall provide for the publication of notice to the public of the nonrenewal or cancellation of the bond for a livestock auction market upon any notification that the bond of the livestock

auction market has been nonrenewed or canceled and no new bond has been obtained.

3. No person shall knowingly operate, conduct, or maintain a livestock auction market without having a bond ~~in place~~ as specified by this section. Any person convicted of violating the provisions of this paragraph~~, upon conviction,~~ shall be guilty of a felony.

E. All records relating to the prompt and faithful accounting for all livestock received, handled, or sold~~,~~ and the remittance of the proceeds from any sale, purchase, or exchange of any livestock to the consignor ~~thereof~~ shall be in accordance with the provisions of the Federal Packers and Stockyards Act of 1921, as amended. The ~~State~~ Board ~~of Agriculture or its authorized agent~~ shall audit such records at least once a year. Any violation of the standards of ~~said~~ the Federal Packers and Stockyards Act may result in the suspension of the livestock auction market license.

F. Except as ~~otherwise~~ provided by this section, any person ~~violating~~ found to be in violation of the provisions of this section, upon conviction, shall be guilty of a misdemeanor.

SECTION 103. AMENDATORY 2 O.S. 1991, Section 9-132.1, is amended to read as follows:

Section 9-132.1 Any bond or corporate surety bond involved in any section of ~~this act~~ the Livestock Auction Market Act, ~~must~~ shall be issued by a corporation or insurance company, certified as being solvent by the State Insurance Commissioner or ~~so~~ certified by the United States Department of Agriculture, pursuant to the Federal Packers and Stockyards Act.

SECTION 104. AMENDATORY 2 O.S. 1991, Section 9-133, as amended by Section 2, Chapter 185, O.S.L. 1996 (2 O.S. Supp. 1999, Section 9-133), is amended to read as follows:

Section 9-133. A. Every application for a livestock auction market license shall be on a form prescribed by the State Board of Agriculture. Each ~~such~~ license shall expire ~~one (1) year after its~~

~~issuance or renewal, and~~ at a time specified by the Board by rule. A fee of Twenty-five Dollars ($25.00) shall be charged and collected for the issuance or renewal of ~~any such~~ the license. Any ~~such~~ license may be ~~approved,~~ denied, revoked, ~~or~~ suspended, or not renewed by the Board, after due notice in writing and an opportunity to be heard has been given to the holder ~~thereof~~, upon ~~the~~:

1. The failure of ~~such~~ the holder to comply with the corporate surety bond or account requirements or ~~upon failure~~;

2. The failure of the licensee to comply with any of the provisions of Section 6-102 of this title ~~or~~, the Livestock Auction Market Act, or any rule ~~adopted~~ promulgated thereto.

B. The ~~State~~ Board ~~of Agriculture~~ shall promulgate rules to effectuate the provisions of this section. ~~Such~~ The rules may include, but not be limited to, requiring:

1. The submission of financial documents;

2. The disclosure of all persons having a financial interest in the applicant and the amount and nature of ~~such~~ the interest;

3. Proof that the applicant meets registration requirements of the Federal Packers and Stockyards Act of 1921, as amended; and

4. The submission of any other information reasonably calculated to enable the Board to make the determination required by this section.

C. The Board shall provide for the publication of notice to the public of the suspension or revocation of the livestock auction market license.

SECTION 105. AMENDATORY 2 O.S. 1991, Section 9-134, as amended by Section 4, Chapter 185, O.S.L. 1996 (2 O.S. Supp. 1999, Section 9-134), is amended to read as follows:

Section 9-134. A. Every person operating or conducting a livestock auction market shall make, and keep for two (2) years, a record showing an identifying description, vehicle license tag number, and the names and addresses of the buyer and seller of

livestock consigned for sale at ~~such~~ livestock auction markets. ~~Such~~ The records shall be open to inspection during reasonable business hours by any authorized agent employed by the State Board of Agriculture.

B. Any records required to be kept pursuant to subsection A of this section may not be removed from the premises by ~~said~~ an authorized agent without the express authority of the person who has jurisdiction over ~~such~~ the records or except as ~~otherwise~~ authorized by a court of law. These records may be photocopied at the request of the agent.

~~C. Any person convicted of violating the provisions of subsection A of this section shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed One Hundred Dollars ($100.00) or by imprisonment in the county jail not to exceed ten (10) days or by both such fine and imprisonment.~~

SECTION 106. AMENDATORY 2 O.S. 1991, Section 9-135, is amended to read as follows:

Section 9-135. A. The State Board of Agriculture shall cause a periodic inspection to be made of all scales used at any livestock auction market. All scales used at any livestock auction market shall have an automatic stamping device ~~so as~~ to print the weight on a card, paper, or ticket ~~to be~~ and furnished to interested parties in connection with the weighing of any livestock handled at the livestock auction market.

B. No person shall use any scales found to be inaccurate until ~~such~~ the scales have been made accurate and have been approved ~~as to accuracy~~ by the Board.

~~C. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor.~~

SECTION 107. AMENDATORY 2 O.S. 1991, Section 9-136, is amended to read as follows:

Section 9-136. ~~A.~~ No person shall buy or offer to buy livestock on the premises owned and used by a person ~~or corporation~~ operating a livestock auction market before ~~such~~ the livestock has been regularly consigned for sale ~~thereat~~.

~~B. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor.~~

SECTION 108. AMENDATORY 2 O.S. 1991, Section 9-138, as amended by Section 3, Chapter 185, O.S.L. 1996 (2 O.S. Supp. 1999, Section 9-138), is amended to read as follows:

Section 9-138. As used in the Livestock Auction Market Act:

1. "Exotic animals" means commercially raised animals of the families bovidae, cervidae, antilocapridae, suidae, and ratites;

2. "Livestock" means cattle, swine, sheep, horses, mules, or goats and includes exotic animals;

~~2. "Slaughter" means killing livestock with the intent to process and distribute the meat and byproducts of such livestock, regardless of the period of time elapsing between the purchase and the killing of such livestock;~~

~~3. "Person" means any individual, firm, partnership, corporation or other organization or business entity;~~

~~4.~~ 3. "Payment by check" means the actual delivery of the check to the seller or representative at the location where the transfer of ownership is accomplished. In the case of grade and yield selling, payment by check means making the check available at the packing plant, subject to the instructions of the seller or representative;

4. "Slaughter" means killing livestock with the intent to process and distribute the meat and offal of the livestock, regardless of the period of time elapsing between the purchase and the killing of the livestock; and

5. "Wire transfer" means any telephonic, telegraphic, electronic, or similar communication between the financial

institution or bank of the purchaser and the financial institution or bank of the seller which results in the transfer of funds or credit of the purchaser to an account of the seller~~; and~~

~~6. "Exotic animals" means commercially raised animals of the families bovidae, cervidae, antilocapridae, suidae and ratites~~.

SECTION 109. AMENDATORY 2 O.S. 1991, Section 9-139, is amended to read as follows:

Section 9-139. A. 1. Unless ~~otherwise~~ agreed to in writing between the owner and the purchaser ~~or his~~, the agent, or representative of the purchaser for each transaction, it shall be unlawful for any person who purchases livestock for slaughter, whether acting ~~for himself or an~~ individually, as agent, or representative of another, to fail or refuse to make payment by negotiable check or wire transfer of funds to the owner ~~of such livestock~~, ~~his~~ or the representative, agent, or assignee of the owner for ~~such~~ the livestock on the business day within which the ownership of ~~said~~ the livestock is transferred within the State of Oklahoma ~~except that if~~.

2. If the transfer of ownership is accomplished after normal banking hours ~~said~~, the payment shall be made in the manner ~~herein~~ provided not later than the close of the first business day following the transfer of ownership.

3. For the purposes of this section, ~~where~~ if livestock is sold and purchased on a grade and yield basis, the transfer of ownership shall be deemed to have occurred on the day when the grade and yield is determined.

B. Payment for livestock purchased for slaughter shall be made by negotiable check or wire transfer of funds and shall be drawn on a banking institution within the Federal Reserve District where the transaction takes place, unless ~~otherwise~~ agreed to in writing between the owner and the purchaser or ~~his~~, the agent, or ~~his~~ representative of the purchaser.

~~C. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.~~

SECTION 110. AMENDATORY 2 O.S. 1991, Section 9-151, is amended to read as follows:

Section 9-151. The State Board of Agriculture may obtain and compile price reports and other information on a daily or other basis for the natural products of the farm, orchard, vineyard, garden, and apiary, raw and manufactured, and livestock, poultry, and dairy products~~; and~~. The Board may disseminate ~~such~~ the reports and information to press associations, radio and television stations, and all ~~mediums~~ media of communication~~, whatever they may be,~~ so ~~that~~ farmers and producers may be ~~kept posted as to~~ provided information about the exact market conditions existing in this state and in the several markets of the country. The Board shall cooperate with agricultural agencies, federal and state, to devise ~~such~~ the methods ~~as~~ which will best carry forward the dissemination of ~~such~~ the reports and information.

SECTION 111. AMENDATORY 2 O.S. 1991, Section 11-1, as amended by Section 3, Chapter 231, O.S.L. 1999 (2 O.S. Supp. 1999, Section 11-1), is amended to read as follows:

Section 11-1. ~~A.~~ Any person~~, firm or corporation who~~ shall be civilly liable to the State Board of Agriculture for all fines, fees, and charges if that person:

1. Fails, refuses, or neglects to pay any fee or charge that is required or authorized by the provisions of the Oklahoma Agricultural Code;

2. Fails, refuses, or neglects to obtain a license ~~or~~, permit, charter, or ~~to make any~~ registration as provided, authorized, or required by the Oklahoma Agricultural Code;

3. ~~Does~~ Performs any act requiring a license, permit ~~or~~, charter, registration, or ~~the~~ payment of a fee or charge~~, as a prerequisite thereto,~~ without first obtaining ~~such~~ a license, permit

~~or~~, charter, registration, or ~~paying such~~ payment of a fee or charge; or

4. Violates any provision of the Oklahoma Agricultural Code or rules ~~and regulations~~ promulgated ~~thereunder~~ thereto ~~shall be civilly liable to the State Board of Agriculture for all such fees and charges~~.

~~B. If, after hearing and notice in accordance with the Administrative Procedures Act, the Board finds any person to be in violation of the Oklahoma Agricultural Code or any rule, regulation, or order promulgated thereunder, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00) for each violation. Each day a violation continues may constitute a separate violation and each animal brought into the state may constitute a separate and distinct violation. The Board may appoint hearing officers for purposes of conducting the hearing provided in this subsection.~~

~~The Board shall prepare and institute a plan whereby the state shall be divided into four (4) quarters for the purpose of conducting hearings for violations of the provisions of this act. Any such hearing shall be held in a central location within the quarter in which the alleged violator resides or the violation occurred.~~

~~Any proceeding for review of an administrative order issued pursuant to this act shall be instituted by filing a petition in the district court of the county in which the hearing was held.~~

SECTION 112. AMENDATORY 2 O.S. 1991, Section 11-2, is amended to read as follows:

Section 11-2. It shall be ~~a misdemeanor~~ unlawful to sell, offer for sale, or advertise any agricultural product ~~by~~ using any word, figure, number, or term which pertains to grade, quality, condition, quantity, or size, ~~such as~~ including No. 1, Fancy, Choice, Select,

A, Large, Size A, or any other word, figure, number, or term which in any manner implies or suggests that the product involved has been officially graded ~~and/or~~ unless ~~such~~ the product has actually been officially graded, sized, or measured under state or federal regulations~~, and/or~~ or sized or measured in accordance with the requirements of the State Board of Agriculture or ~~of~~ federal regulations.

SECTION 113. AMENDATORY 2 O.S. 1991, Section 11-6, is amended to read as follows:

Section 11-6. Any license, permit, or certificate of registration ~~that has been~~ issued under a statute that is repealed or superseded ~~by the provisions of this Code~~ and ~~that~~ has not expired ~~when this Code becomes effective,~~ shall be ~~deemed to have been issued for the same purpose under the provisions of this Code, and shall be~~ valid ~~if required for the same purpose by any of the provisions of this Code,~~ for the period for which ~~such~~ the license, permit, or certificate was issued under ~~such~~ the repealed or superseded statute~~; but~~ if required for the same purpose by the Oklahoma Agricultural Code. However, all holders of ~~such~~ the licenses, permits, and certificates of registration shall ~~be required to~~ comply with the terms and provisions of this Code upon ~~the~~ expiration of ~~such~~ the licenses, permits, and certificates of registration.

SECTION 114. AMENDATORY 2 O.S. 1991, Section 12-1, is amended to read as follows:

Section 12-1. ~~(a)~~ A. The State Department of Agriculture ~~of the State of Oklahoma~~ shall enter into a written agreement on behalf of the State of Oklahoma with the ~~proper officers or agents of the Fish and~~ Wildlife ~~Service~~ Services, Animal and Plant Health Inspection Service, United States Department of ~~the Interior~~ Agriculture. ~~Said~~ The agreement shall ~~contain such terms as the Department of Agriculture of the State of Oklahoma shall deem~~

~~advisable~~ be for the purpose of cooperating with ~~the Fish and~~ Wildlife ~~Service~~ Services, United States Department of ~~the Interior~~ Agriculture, in ~~the control and destruction of wolves~~ conducting wildlife damage management for beavers, coyotes, bobcats, and other ~~predatory animals~~ wildlife species causing destruction to livestock, poultry, ~~and game and rodents destructive to~~ crops, range ~~grasses~~ land, ~~and~~ forests, and other resources, including human health and safety.

~~(b) Pursuant to the provisions of this section the control and destruction~~

B. Wildlife damage management of predatory animals and ~~rodents~~ other wildlife species causing damage shall ~~be conducted in accordance with an organized and systematic plan of field operations including~~ include but not be limited to hunting, trapping, or other practical methods for the control of ~~predatory animals~~ wildlife damage. ~~Said operations~~ Operations shall be directly supervised by ~~an authorized representative of the United States Fish and~~ Wildlife ~~Service~~ Services in association with the ~~State~~ Department ~~of Agriculture or its authorized representative~~. The ~~State~~ Department ~~of Agriculture~~ is authorized to enter into cooperative agreements with counties, associations, corporations, and individuals for hunting and trapping operations and control of ~~predatory animals~~ wildlife damage.

~~(c)~~ C. In cooperation with ~~the United States Fish and~~ Wildlife ~~Service~~ Services, the ~~State~~ Department ~~of Agriculture~~ is authorized to purchase ~~rodent control~~ wildlife damage management supplies, including ~~rodent~~ but not limited to bait, for cooperating governmental agencies, counties, associations, corporations, and individuals~~, to be used in~~ for the control of damage caused by predatory animals~~, rodents,~~ and other ~~injurious~~ wildlife species. The Department shall make these supplies and baits available to ~~such~~ cooperators at approximate cost. The receipts from the sale of ~~such~~

supplies and ~~rodent~~ baits shall be credited to the State Department of Agriculture Revolving Fund.

~~(d) All furs~~ D. Furs, skins, and specimens ~~taken~~ collected by ~~hunters or trappers~~ wildlife services agents shall be sold upon sealed bids after advertisement of ~~such~~ the sales, as ~~may be~~ prescribed by the ~~State~~ Department ~~of Agriculture or its authorized representative~~. The proceeds of all ~~such~~ sales shall be ~~paid into the State Treasury to be~~ credited to the State Department of Agriculture Revolving Fund. Any specimen ~~taken pursuant to the provisions of this section, in the discretion of the State Department of Agriculture,~~ may be presented, free of charge, to any state institution~~,~~ subject to the jurisdiction and control of the State of Oklahoma. No bounty shall be collected from any source for predatory animals and ~~rodents~~ wildlife taken by ~~hunters~~ wildlife services agents operating pursuant to ~~said~~ a cooperative agreement. ~~The scalps of animals so taken shall be destroyed in such manner so as not to be used by any other person for collection of bounty.~~

SECTION 115. AMENDATORY 2 O.S. 1991, Section 12-2, is amended to read as follows:

Section 12-2. It shall be lawful for an authorized agent of the State Board of Agriculture engaged in ~~animal~~ wildlife damage ~~control~~ management, pursuant to the provisions of Section 12-1 of ~~Title 2 of the Oklahoma Statutes~~ this title, to carry a clip-loaded or magazine-loaded rifle or shotgun in a vehicle, provided the rifle or shotgun is not chamber-loaded.

The names of agents authorized by the ~~State~~ Board ~~of Agriculture~~ to carry ~~said~~ a rifle ~~or~~ and shotgun shall be furnished to the Department of Public Safety.

SECTION 116. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

It shall be the responsibility of the State Department of Agriculture and understood by all parties that no fees or fines in

Title 2 of the 1991 Oklahoma Statutes and amendments found in the 1999 Supplement shall be changed by this act until the State Board of Agriculture promulgates rules establishing fees or fines through the permanent rulemaking process in accordance with the Administrative Procedures Act.

SECTION 117. AMENDATORY 2 O.S. 1991, Section 104c, as last amended by Section 1, Chapter 15, O.S.L. 1998 (2 O.S. Supp. 1999, Section 104c), is amended to read as follows:

Section 104c. A. 1. There is hereby constituted a board of directors for the free fair association~~, to~~. The Board of Directors shall be composed of nine (9) members, who shall be elected by written ballot for a term of three (3) years~~, three~~. Three members shall be elected from each county commissioner's district of the counties, ~~to be elected~~ at a mass meeting or convention of the qualified electors of each of the commissioner's district in the counties.

2. A qualified elector shall be a registered voter of the county and may only vote for the board members from the district in which the elector resides. The county commissioner holding the election may request proof of residency and a voter registration card of the county to qualify electors.

3. The board of county commissioners shall include in the publication notice of the election the requirements to be a qualified voter. Notice of which election shall be given by publication in some newspaper published in each of the counties, for ten (10) days before the election. Notice of the filing period for the elections shall be given in some newspaper published in the county at least ten (10) days before the filing period for the election.

B. The board of county commissioners shall, by resolution, set forth the following conditions concerning the election:

1. The filing period shall consist of five (5) consecutive business days and commence in January;

2. The date and time when the filing period will commence and end;

3. The date, time and place of the election;

4. Only registered voters of the county are eligible to file as a candidate;

5. Any person so filing must reside in the commissioner's district or city they seek to represent;

6. Prospective candidates must file with the county clerk; and

7. The board of county commissioners shall prescribe a form to be used by prospective candidates filing for the position of director of the fair board association.

C. 1. The date of the election for the fair association board of directors shall be no later than three (3) weeks from the date of the final day of the filing period.

2. In the event there is not a candidate or candidates for the election to the fair association board of directors, the county commissioners shall appoint a director for each position for which no candidates have filed by the close of the filing period. The appointment or appointments will be announced no later than two (2) weeks from the closing of the filing period.

3. When a director is unable to fulfill the term to which the director has been elected to serve, for any reason, the board of county commissioners shall appoint the successor.

D. 1. At the election there shall be elected from each commissioner's district three persons who are qualified electors of the district, as directors of the association, who shall serve for a term of three (3) years, and until their successors are elected or appointed and qualified.

2. The commissioner or commissioner's designee shall preside at the meeting and the voting may be viva voce, or otherwise, as may at the meeting be determined by the electors there assembled.

3. The commissioner or commissioner's designee presiding at the meeting shall have the authority to appoint a secretary of the meeting ~~and the~~. The commissioner and secretary shall certify to the county clerk of each of the counties the names of the directors elected, and the county clerk shall keep a record thereof and shall issue to each person elected a certificate of election.

E. When a tie vote occurs in the election of a fair association board of directors, the commissioner or commissioner's designee shall select the candidate by lot pursuant to the procedures set forth in Section 8-105 of Title 26 of the Oklahoma Statutes.

F. 1. The directors so elected shall meet at the next regularly scheduled monthly meeting immediately following the elections at the regular meeting place of the counties for the purpose of organization, and shall elect a president, a vice-president, a secretary and a treasurer; provided, that the secretary need not be a member of the board of directors.

2. The treasurer shall furnish surety bond executed with a qualified surety company doing business in this state, in such amount as the directors of the board may determine to be necessary to indemnify against any loss which may arise by reason of failure to perform the necessary duties of the office or other misconduct in office for which the director shall be held liable.

G. Meetings of the directors may be called by the president of the board or fixed by the board at any time convenient. However, the first election held under this ~~act~~ article shall be on the first Saturday of June, and the board so elected at the election shall meet for organization purposes on the second Saturday of June of such year.

SECTION 118. AMENDATORY 83 O.S. 1991, Section 1, is amended to read as follows:

Section 1. There shall be established a State Bureau of Standards of weights, measures, and tests of all kinds. This Bureau shall be ~~an agency~~ a part of the State Department of Agriculture which shall provide facilities for its use. The President of the State Board of Agriculture shall appoint as Director of the Bureau of Standards an employee of the Department. Upon recommendation of the Director, the President of the ~~State~~ Board ~~of Agriculture~~ shall appoint at least two other employees as assistant directors. The Director and assistant directors shall constitute a board of control ~~of~~ for the Bureau of Standards. The members of the board of control shall serve without salary.

SECTION 119. AMENDATORY 83 O.S. 1991, Section 3, is amended to read as follows:

Section 3. The board of control shall have charge of the various standards of weights, measures, and testing devices received by this state from the United States pursuant to Resolutions of Congress approved June 14, 1836, and July 27, 1866, and any ~~such~~ future standards which may be received from the United States. The board of control shall have charge of the various state or office standards purchased by this state for the Bureau.

The board of control shall have charge and control of the standard methods of weighing, measuring, and testing in this state. The board of control shall maintain the standards in good order and shall submit a set of standards called the ~~primary~~ reference standards to the National ~~Bureau~~ Institute of Standards and Technology (NIST) for certification.

SECTION 120. AMENDATORY 83 O.S. 1991, Section 3.1, is amended to read as follows:

Section 3.1 The weights, measures, and testing devices received from the United States pursuant to Joint Resolutions of Congress

approved June 14, 1836, and July 27, 1866, now in the care and custody of the State Bureau of Standards, and ~~such~~ the weights and measures in conformity with ~~said~~ the Resolutions, when certified by the National ~~Bureau~~ Institute of Standards and Technology (NIST), shall be the state standards of weights and measures. ~~Such copies~~ Copies of the state standards of weights and measures and ~~such~~ other weights, measures, and apparatus ~~as may~~ shall be ~~necessary~~ supplied by this state to implement the provisions of ~~Sections 1 through 12 of~~ this ~~title shall be supplied by this state~~ article.

SECTION 121. AMENDATORY 83 O.S. 1991, Section 4, is amended to read as follows:

Section 4. The Bureau of Standards shall be available to all state departments, municipal and private corporations, and citizens of this state. The Bureau shall be the highest official authority with regard to standards of weights, measures, and testing devices, and methods of weighing, measuring, and testing for this state. The findings of the Bureau of Standards in any case or question shall be considered prima facie evidence of the correctness of ~~said~~ the case or question. All officers enforcing the standards for weights, measures, and testing devices in this state shall submit their weighing, measuring, and testing devices to the State Bureau of Standards at ~~such~~ those periods ~~as~~ determined by the board of control for certification and seal. The board of control shall adopt a seal for this purpose. ~~The board of control shall have authority to place any test or question referred to it to the proper individual or laboratory.~~

SECTION 122. AMENDATORY 83 O.S. 1991, Section 5, is amended to read as follows:

Section 5. The board of control shall establish fees for all tests and certifications made by the Bureau of Standards. The fees shall in no case exceed those established for similar work by the National ~~Bureau~~ Institute of Standards and Technology. The fees

collected shall be deposited with the State Treasurer in the State Department of Agriculture ~~Trust~~ Revolving Fund.

SECTION 123. AMENDATORY 83 O.S. 1991, Section 6, is amended to read as follows:

Section 6. The Bureau of Standards shall ~~publish from time to time~~ provide information for general distribution ~~such~~, literature, and directions ~~in regard to~~ regarding weights, measures and tests, and methods of weighing, measuring, and testing as ~~deemed advisable~~ recommended by the board of control.

SECTION 124. AMENDATORY 83 O.S. 1991, Section 8, is amended to read as follows:

Section 8. It is ~~hereby~~ declared to be the intent of this Legislature that the State Department of Agriculture administer this ~~act~~ article in a manner which will provide protection for consumers of those goods and services which can be accurately measured, improve the quality and safety of the products produced in this state, and provide the assurance to the people of this state and others that manufactured products are what they ~~purport~~ claim to be.

SECTION 125. REPEALER 2 O.S. 1991, Sections 1-4, Section 2, Chapter 7, O.S.L. 1996, 2-13A, 2-13B, 2-15, 2-17, 2-17A, 2-24, Section 1, Chapter 13, O.S.L. 1996, 4-1, 4-14, 5-1, 5-3, 5-4, 5-5, 5-7, 5-8, 5-28, as last amended by Section 7, Chapter 272, O.S.L. 1998, 5-29, 5-30, 5-61n, 5-62.10, 5-80, 9-1, 9-47, as amended by Section 22, Chapter 10, O.S.L. 1997, 9-137, 11-3, 11-5, 11-7, 11-8, 11-9, and 12-3 (2 O.S. Supp. 1999, Sections 2-4a, 2-28, 5-28, and 9-47), and 83 O.S. 1991, Sections 2 and 7, are hereby repealed.

SECTION 126. RECODIFICATION 2 O.S. 1991, Sections 2-11a and 2-11b, as amended by Sections 13 and 14 of this act, and Section 1, Chapter 65, O.S.L. 1998 (2 O.S. Supp. 1999, Section 2-11c), as amended by Section 15 of this act, shall be recodified as Sections 5-9, 5-10 and 5-11 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Sections 2-19,

2-20, 2-21, and 2-23, as amended by Sections 20, 21, 22 and 23 of this act, shall be recodified as Sections 14-81, 14-82, 14-83 and 14-84 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Sections 5-21 and 5-21.1, and Section 3, Chapter 272, O.S.L. 1998 (2 O.S. Supp. 1999, Section 5-21.2), as last amended by Sections 41, 42 and 43 of this act, shall be recodified as Sections 10-71, 10-72 and 10-73 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Section 5-22, as amended by Section 44 of this act, shall be recodified as Section 10-74 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Section 5-23, as last amended by Section 45 of this act, shall be recodified as Section 10-75 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Section 5-24, as amended by Section 46 of this act, shall be recodified as Section 10-76 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Section 5-25, as last amended by Section 47 of this act, shall be recodified as Section 10-77 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Section 5-25.1, as amended by Section 48 of this act, shall be recodified as Section 10-78 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Section 5-26, as last amended by Section 49 of this act, shall be recodified as Section 10-79 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Section 5-27, as amended by Section 50 of this act, shall be recodified as Section 10-80 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Sections 5-61a through 5-61m, as amended by Sections 53 through 65 of this act, shall be recodified as Sections 14-31 through 14-43 of Title 2 of the Oklahoma Statutes, unless there is created a

duplication in numbering; and 2 O.S. 1991, Sections 5-62.1 through 5-62.9, as amended by Sections 66 through 74 of this act, shall be recodified as Sections 14-61 through 14-69 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 127. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

47-2-3384 JT 6/11/15