

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1378

By: Covey

COMMITTEE SUBSTITUTE

An Act relating to agriculture; amending 2 O.S. 1991, Sections 738.1, 738.2, 738.3, 751, 752, 753, 754, 755, 756, 788.1, 788.2, 788.3, 788.4, 788.5, 788.6, 791, 792, 793, 1021, 1022, as last amended by Section 1, Chapter 94, O.S.L. 2000, 1023, 1024, 1025, 1027, 1028, 1029, 1030, as amended by Section 1, Chapter 16, O.S.L. 1998, 1031, as amended by Section 2, Chapter 16, O.S.L. 1998, 1032, 1033, 1034, 1035, 1036, 1036.1, 1037, 1038, 1101, 1102, 1103, as last amended by Section 1, Chapter 93, O.S.L. 2000, 1104, 1105, 1106, 1107, 1108, 1109, 1109.1, 1110, 1112, 1113, 1451, 1452, 1453, 1453.1, 1454, 1455, 1456, 1457, 1458, 1501, 1502, as last amended by Section 1, Chapter 97, O.S.L. 2000, 1503, 1504, 1505, 1506, 1507, 1508, 1508.1, as amended by Section 1, Chapter 87, O.S.L. 1995, 1509, 1510, 1511, 1512, 1513, 1514, as amended by Section 1, Chapter 173, O.S.L. 2000, 1515, 1516, 1601, 1602, 1603, 1604, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1713, Section 2, Chapter 265, O.S.L. 2000, Section 6, Chapter 185, O.S.L. 1996, 1751, as amended by Section 7, Chapter 185, O.S.L. 1996, 1752, as amended by Section 8, Chapter 185, O.S.L. 1996, 1753, as amended by Section 9, Chapter 185, O.S.L. 1996, Section 10, Chapter 185, O.S.L. 1996, Section 11, Chapter 185, O.S.L. 1996, 1754, as amended by Section 12, Chapter 185, O.S.L. 1996, 1761, as amended by Section 1, Chapter 367, O.S.L. 1997, 1762, as amended by Section 2, Chapter 367, O.S.L. 1997, 1763, 1765, 1766, as last amended by Section 1, Chapter 88, O.S.L. 1995, 1767, as last amended by Section 1, Chapter 4, O.S.L. 1999, 1768, 1769, 1901, 1902, 1903, 1904, 1905, 1906, 1907, as last amended by Section 41, Chapter 5, 1st Extraordinary Session, O.S.L. 1999, 1908, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2021, Section 1, Chapter 357, O.S.L. 1994, Section 2, Chapter 357, O.S.L. 1994, as amended by Section 1, Chapter 72, O.S.L. 1996, Section 3, Chapter 357, O.S.L. 1994, as last amended by Section 2, Chapter 72, O.S.L. 1996, Section 4, Chapter 357, O.S.L. 1994, as amended by Section 3, Chapter 72, O.S.L. 1996, Section 1, Chapter 159, O.S.L. 1995, Section 2, Chapter 159, O.S.L. 1995, Section 3, Chapter 159, O.S.L. 1995, Section 1, Chapter 74, O.S.L. 1996, Section 9, Chapter 367, O.S.L. 2000, Section 1, Chapter 151, O.S.L. 1997, Section 2, Chapter 151, O.S.L. 1997, Section 3, Chapter 151, O.S.L. 1997, Section 4, Chapter 151, O.S.L. 1997, Section 5, Chapter 151, O.S.L. 1997, Section 6, Chapter 151, O.S.L. 1997,

Section 7, Chapter 151, O.S.L. 1997, Section 8, Chapter 151, O.S.L. 1997, Section 9, Chapter 151, O.S.L. 1997, Section 10, Chapter 151, O.S.L. 1997, Section 11, Chapter 151, O.S.L. 1997, Section 12, Chapter 151, O.S.L. 1997, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 91, Section 1, Chapter 50, O.S.L. 1999, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 104a, 104b, 104c, 104d, 104e, 104e.1, 104f, 104g, 104h, 104i, 104j, 104k, 104m, Section 2, Chapter 120, O.S.L. 1992, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 131.1, 131.2, Section 2, Chapter 114, O.S.L. 1993, as amended by Section 1, Chapter 154, O.S.L. 1994, 131.4, as amended by Section 3, Chapter 114, O.S.L. 1993, 131.5, 131.6, 131.7, 131.8, 131.9, 131.10, 131.11, 131.12, 131.13, 131.14, 131.15, 131.16, 131.17, 157.1, 157.2, 157.3, 157.4, 157.5, 157.6, 157.7, 161, 162 and 163 (2 O.S. Supp. 2000, Sections 3-32.9, 91.1, 104n, 131.3A, 131.4, 1022, 1030, 1031, 1103, 1502, 1508.1, 1514, 1715, 1750, 1751, 1752, 1753, 1753.1, 1753.2, 1754, 1761, 1762, 1766, 1767, 1850.1, 1850.2, 1850.3, 1850.4, 1850.5, 1850.6, 1850.7, 1850.8, 1850.9, 1850.10, 1850.11, 1850.12, 1907, 3001, 3002, 3003, 3004, 3010, 3011, 3012 and 3021), which relate to the Oklahoma Agricultural Code, agricultural fairs and expositions, the Oklahoma Wheat Resources Act, the Oklahoma Peanut Act, the Oklahoma Agricultural Liming Materials Act, the Oklahoma Sheep and Wool Producers Act, the Soil Amendment Act, the Livestock Dealers Act, the Oklahoma Agricultural Linked Deposit Program, the Oklahoma Fuel Alcohol Act, the Oklahoma Agriculture Biotechnology Act, the Oklahoma International Trade Development Act and the Oklahoma Sorghum Commission; adding, deleting, moving and modifying definitions; clarifying and updating language; changing certain qualifications for membership of the Oklahoma Sorghum Commission; adding sunset date; expanding term of office for certain district; modifying certain refund requirements; modifying sample ballot language and clarifying language related to agricultural fairs and county fairs; updating language; providing for recodification; repealing 2 O.S. 1991, Sections 131.18, 247, 248, 250, 738.4, 738.5, 794, 951, 952, 953, 1459, 1460, 1712, 2001, 2002, 2003, 2004, 2005, 2006, 2007, Section 2, Chapter 74, O.S.L. 1996 and Section 1, Chapter 49, O.S.L. 1998 (2 O.S. Supp. 2000, Sections 3022 and 3030), which relate to severability, hog cholera, penalties and certain rules, tuition waivers for farmers and ranchers and their spouses, qualifications for retraining and administration of program, certain strategic plans and the Task Force on Agricultural Cooperatives; and declaring an emergency.

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

SECTION 1. AMENDATORY 2 O.S. 1991, Section 738.1, is amended to read as follows:

Section 738.1 As used in this act ~~act~~ subarticle:

~~(a)~~ 1. "Consumer" means any person using poultry for food, and shall include restaurants, hotels, cafeterias, hospitals, state institutions, and/or any other establishment serving food to be consumed on the premises;

2. "Federal inspection" means the poultry inspection service conducted by the poultry inspection branch of the United States Department of Agriculture;

3. "Fowl" means chickens, turkeys, ducks, geese, and any other domesticated birds used for human food;

4. "Poultry" means domesticated raw fowl;

5. "Poultry products" means the carcasses or parts of carcasses of poultry produced entirely or in substantial part from poultry;

6. "Reclassified" means the reprocessing of poultry in which poultry is cut into parts and parts are graded;

~~(b)~~ 7. "State inspection" means the poultry inspection service conducted by the Oklahoma State Board of Agriculture; ~~and~~

~~(c) "Poultry" means domesticated raw fowl and rabbits; "fowl" includes chickens, turkeys, ducks, geese, and any other domesticated birds used for human food.~~

~~(d) "Poultry products" means the carcasses or parts of carcasses of poultry produced entirely or in substantial part from such poultry.~~

~~(e)~~ 8. "Wholesome" means sound, healthful, clean, and otherwise fit for human food.

~~(f) "Reclassified" means reprocessing, whereby poultry is cut into parts and such parts are graded.~~

~~(g) "Consumer" means any person using poultry for food, and shall include restaurants, hotels, cafeterias, hospitals, state~~

~~institutions, and/or any other establishment serving food to be consumed on the premises.~~

SECTION 2. AMENDATORY 2 O.S. 1991, Section 738.2, is amended to read as follows:

Section 738.2 When advertising poultry ~~and/or~~ or poultry products and using the words "inspected", "inspected for wholesomeness", "USDA inspected", "state inspected", or any other term ~~which that~~ such the suggests or implies ~~such the~~ product has been inspected, and a price is stated, the correct grade also shall be stated, as grade A, B, or C.

SECTION 3. AMENDATORY 2 O.S. 1991, Section 738.3, is amended to read as follows:

Section 738.3 Poultry ~~which that~~ that has been graded shall maintain its grade identity until purchased by the consumer.

SECTION 4. AMENDATORY 2 O.S. 1991, Section 751, is amended to read as follows:

Section 751. As used in this ~~act~~ subarticle:

1. "Cooperative association" means any group in which farmers or producers act together in the market preparation, processing, or marketing of farm products or any association, not having capital stock or operated for a profit, and organized under ~~Section 332 of this title~~ subarticle;

2. "Dairy farmer" means a ~~farmer~~ person engaged in the business of producing milk for sale to milk processors directly or through a cooperative association of which the ~~dairy farmer~~ person is a member. When a dairy farmer has sold milk through a cooperative association of which the dairy farmer is a member, ~~such the~~ such the cooperative association shall be considered a dairy farmer ~~for purposes of this act~~;

3. "Escrow account agent" means an entity within this state, which is insured by the Federal Deposit Insurance Corporation;

4. "Milk processor" means a person who operates a milk, milk products, or frozen desserts processing plant that is located in the State of Oklahoma; and

4. 5. "Purchase price" means an amount of money, based on estimated butterfat content and other common industry standards at the time of delivery, that a milk processor agrees to pay a dairy farmer for a purchase of raw milk; ~~and~~

~~5. "Escrow account agent" means an entity within this state which is insured either by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.~~

SECTION 5. AMENDATORY 2 O.S. 1991, Section 752, is amended to read as follows:

Section 752. A. 1. ~~Pursuant to the provisions of this section, a~~ A dairy farmer from whom milk was purchased by a milk processor, ~~may~~ require the milk processor to establish an escrow account for the benefit of the dairy farmer for the payment of the purchase price of milk as specified in paragraph 2 of this subsection.

2. A dairy farmer may require the milk processor to establish an escrow account only if:

- a. the dairy farmer has ~~failed to receive~~ not received payment of the purchase price for the milk and ~~the dairy farmer~~ has given written notice by ~~registered~~ certified mail, return receipt requested, to the milk processor ~~by the end of the 30th day after~~ within thirty (30) days following the final date ~~for the~~ payment of the purchase price that such payment has ~~not been received;~~ is due, or
- b. a payment instrument received by the dairy farmer from the milk processor has been dishonored and the dairy farmer has given written notice by ~~registered~~ certified mail, return receipt requested, to the milk

processor ~~by the end of the 15th~~ within fifteen (15)
business ~~day~~ days after the ~~day that the~~ notice of
dishonor was received.

3. The notice specified by subparagraphs a and b of ~~this~~
paragraph 2 of this subsection shall require that an escrow account
be established and that the payment received from the sale of any
milk or dairy product as specified in subsection B of this section
be deposited in the escrow account until ~~such~~ the dairy farmer has
received full payment of the purchase price for the milk.

B. 1. The milk processor shall deposit, ~~upon receipt, into the~~
~~escrow account~~ a ~~proportional~~ share of all payments received from
the sale of milk or dairy products by the milk processor which is
equal to the amount of the milk sold by the dairy farmer to the milk
processor in proportion to the total amount of milk purchased for
the sale of the milk and dairy products by the milk processor into
the escrow account upon receipt. ~~Such~~ The payments shall be
deposited in the escrow account until the dairy farmer has received
full payment of the purchase price for the milk.

2. The escrow account shall be a segregated interest bearing
account and shall be established for the benefit of the dairy
farmer. Upon sufficient proof of identification, the escrow account
agent shall promptly pay to the dairy farmer any sum accumulated for
~~his~~ the benefit of the dairy farmer in the escrow account.

C. 1. If any milk processor is required to establish more than
one escrow account by operation of the provisions of this section,
then the monies accruing may all be commingled in a single account.

2. The commingled monies accumulated in the account shall be
distributed to each dairy farmer in the amount due to each.

3. If the commingled monies accumulated in the account are
insufficient to pay all the dairy farmers, the escrow account agent
shall distribute the monies so accumulated in proportion to the
current amount due each.

D. For the purposes of this section, the monies held by the escrow account agent shall be ~~deemed to be~~ the property of the dairy farmer, or dairy farmers if ~~such~~ the monies have been commingled, in the current amount due to each or in proportion to the amount due each.

SECTION 6. AMENDATORY 2 O.S. 1991, Section 753, is amended to read as follows:

Section 753. A milk processor may not purchase raw milk from a dairy farmer unless:

1. Payment of the purchase price is made according to the provisions prescribed by an applicable federal milk marketing order;
2. Any additional provisions are agreed on by both the dairy farmer or ~~his~~ the agent of the dairy farmer and the milk processor; and
3. The medium of exchange used is cash, a check for the full amount of the purchase price, or a wire transfer of money in the full amount.

SECTION 7. AMENDATORY 2 O.S. 1991, Section 754, is amended to read as follows:

Section 754. This ~~act~~ subarticle does not apply to transactions between a cooperative association, while acting as a marketing agent, and its members.

SECTION 8. AMENDATORY 2 O.S. 1991, Section 755, is amended to read as follows:

Section 755. A milk processor who fails to pay for raw milk as provided by this ~~act~~ subarticle is liable to the dairy farmer for:

1. The purchase price of the raw milk;
2. Interest on the purchase price at the rate fixed by law for civil judgments commencing from the date possession is transferred until the date the payment is made ~~in accordance with this act~~; and
3. A reasonable ~~attorney's~~ attorney fee for the collection of the payment.

SECTION 9. AMENDATORY 2 O.S. 1991, Section 756, is amended to read as follows:

Section 756. Any milk processor failing to establish an escrow account upon receipt of notification of a dairy farmer pursuant to the provisions of this ~~act~~ subarticle or who fails to continue to make ~~such~~ payments until the dairy farmer has received full payment of the purchase price, upon conviction thereof shall be guilty of a misdemeanor and shall be punished by the imposition of a fine of not more than One Thousand Dollars (\$1,000.00), ~~or by~~ imprisonment in the county jail for a period not to exceed one (1) year, or ~~by~~ both such fine and imprisonment.

SECTION 10. AMENDATORY 2 O.S. 1991, Section 788.1, is amended to read as follows:

Section 788.1 No person shall use, ~~orally or in writing,~~ relative to any agricultural or vegetable seeds, or any tubers for seeding purposes, or plants or plant parts, sold or advertised or offered for sale in this state, the term "certified", alone or with other words, ~~except as hereinafter provided,~~ or shall ~~so~~ use any other term or words which ~~suggests that they have been certified by an~~ suggest certification by a designated inspection agency, ~~designated as hereinafter provided~~ orally or in writing, relative to any agricultural or vegetable seeds, any tubers for seeding purposes, or plants or plant parts, sold or advertised for sale in Oklahoma, except as provided by this subarticle. If ~~such~~ the seeds, tubers, plants, or plant parts were produced in another state or foreign country, certification by the legally constituted certification officials of ~~such~~ a state, ~~or~~ country, or of the United States, shall be sufficient; otherwise, certification. Certification in Oklahoma shall be by the Agricultural Experiment Station and the Agricultural Extension Service of the Oklahoma State University, Division of Agriculture Agricultural Sciences and

~~Applied Science Natural Resources~~, or by an agency which they designate.

SECTION 11. AMENDATORY 2 O.S. 1991, Section 788.2, is amended to read as follows:

Section 788.2 Every person, ~~firm, association or corporation~~ who shall ~~issue~~ issues, ~~use~~ uses, or ~~circulate~~ circulates any certificate, advertisement, tag, seal, poster, letterhead, ~~marketing~~ marketing circular, written or printed representation, or description ~~of or~~ pertaining to seeds, tubers, plants, or plant parts intended for propagation or sale, ~~or sold, or offered for sale~~ wherein the words "~~Oklahoma State Certified~~"; "~~State Certified~~"; "~~Oklahoma Certified~~", or similar words or phrases are used or employed, or wherein are used or employed, which contains signs, symbols, maps, diagrams, pictures, words, or phrases, ~~expressed or implied, stating or representing~~ including but not limited to "Oklahoma State Certified", "State Certified", or "Oklahoma Certified", which expressly or impliedly state or represent that ~~such~~ the seeds or plant parts comply with ~~or conform to~~ the standards or requirements approved by the Agricultural Experiment Station and the Agricultural Extension Service of the Oklahoma State University, Division of Agriculture Agricultural Sciences and ~~Applied Science Natural Resources~~, shall be subject to the provisions of this ~~act~~ subarticle. Every issuance, use, or circulation of any certificate ~~and/or~~ or any other instrument, as described in this section ~~above described~~, shall be ~~deemed to be~~ "certification" ~~as that term is employed in this act~~.

SECTION 12. AMENDATORY 2 O.S. 1991, Section 788.3, is amended to read as follows:

Section 788.3 Every person, ~~firm, association, or corporation~~ subject to the provisions of this ~~act~~ subarticle shall ~~observe,~~ ~~perform and~~ comply with all rules, ~~regulations~~ and requirements ~~fixed, established or~~ specified by the Agricultural Experiment

Station and the Agricultural Extension Service of the Oklahoma State University, Division of Agriculture Agricultural Sciences and ~~Applied Science as to what~~ Natural Resources regarding:

1. What crops grown or to be grown in Oklahoma shall be eligible for certification ~~hereunder, as to the conduct;~~

2. The process of ~~such~~ certification, either by ~~said~~ Oklahoma State University directly or by agents or agencies authorized by it for the purpose, and as to standards

3. Standards, requirements, and forms ~~of and~~ for certification ~~hereunder; provided, however, that not.~~

Not more than one ~~such~~ agent or agency for certification shall be designated for any one specified crop. No certification, within the provisions of this ~~act~~ subarticle shall be made or authorized except through ~~said~~ the Agricultural Experiment Station and the Agricultural Extension Service of the Oklahoma State University, Division of Agriculture Agricultural Sciences and ~~Applied Science~~ Natural Resources.

SECTION 13. AMENDATORY 2 O.S. 1991, Section 788.4, is amended to read as follows:

Section 788.4 Certification work, whether conducted by the Agricultural Experiment Station and the Agricultural Extension Service of the Oklahoma State University, Division of Agriculture Agricultural Sciences and ~~Applied Science~~ Natural Resources, or by an agency designated by them, shall be on a self-supporting basis and shall not be performed for financial profit.

SECTION 14. AMENDATORY 2 O.S. 1991, Section 788.5, is amended to read as follows:

Section 788.5 The Agricultural Experiment Station and the Agricultural Extension Service of the Oklahoma State University, Division of Agriculture Agricultural Sciences and ~~Applied Science~~ Natural Resources shall not be financially responsible for debts incurred by, damages inflicted by, or contracts broken by designated

certifying agencies in conducting certification work as authorized by this ~~act~~ subarticle.

SECTION 15. AMENDATORY 2 O.S. 1991, Section 788.6, is amended to read as follows:

Section 788.6 It shall be unlawful for any person, ~~firm,~~ ~~association or corporation~~ to issue, make, use, or circulate any certification, ~~as defined in this act,~~ without the authority and approval of the Agricultural Experiment Station and the Agricultural Extension Service of the Oklahoma State University, Division of Agriculture Agricultural Sciences and Applied Science Natural Resources, or its duly authorized agency ~~as herein provided~~. Every person, ~~firm, association or corporation~~ who ~~shall violate~~ violates any of the provisions of this ~~act~~ subarticle pertaining to certification shall be ~~deemed~~ guilty of a misdemeanor, and upon conviction thereof shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense.

SECTION 16. AMENDATORY 2 O.S. 1991, Section 791, is amended to read as follows:

Section 791. For the purposes of this ~~law, and as used therein:~~

~~(a) The term "person" means any individual, partnership, association, corporation, or organized group of persons whether incorporated or not.~~

~~(b) The term subarticle, "fungicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi or bacteria.~~

SECTION 17. AMENDATORY 2 O.S. 1991, Section 792, is amended to read as follows:

Section 792. It shall be unlawful to distribute, sell, or offer for sale, for other than seeding purposes, within the State of Oklahoma, any barley, corn, cotton, oats, peanuts, rye, sorghums, soybeans, wheat, or other seed, cereals, or grain that has been

treated with a fungicide, unless it is sold separately from untreated seed or grain, and ~~there accompanies the sale a~~ certificate, affidavit, or tag accompanies the sale stating that the grain, seed, or cereal has been chemically treated and cannot be used for "food, feed, or oil purposes".

SECTION 18. AMENDATORY 2 O.S. 1991, Section 793, is amended to read as follows:

Section 793. Any person violating any of the provisions of this ~~act~~ subarticle shall be guilty of a misdemeanor, and, upon conviction, ~~may~~ shall be fined not more than One Thousand Dollars (\$1,000.00).

SECTION 19. AMENDATORY 2 O.S. 1991, Section 1021, is amended to read as follows:

Section 1021. ~~This~~ Sections 19 through 36 of this act shall be known and may be cited as the "Oklahoma Wheat Resources Act".

SECTION 20. AMENDATORY 2 O.S. 1991, Section 1022, as last amended by Section 1, Chapter 94, O.S.L. 2000 (2 O.S. Supp. 2000, Section 1022), is amended to read as follows:

Section 1022. There is hereby re-created, to continue until July 1, 2006, in accordance with the provisions of the Oklahoma Sunset Law, the Oklahoma Wheat Utilization, Research and Market Development Commission for the utilization, research and market development of wheat grown in Oklahoma.

SECTION 21. AMENDATORY 2 O.S. 1991, Section 1023, is amended to read as follows:

Section 1023. As used in ~~this act~~ the Oklahoma Wheat Resources Act, unless the context otherwise requires:

1. "Commission" ~~shall mean~~ means the Oklahoma Wheat Utilization, Research and Market Development Commission;

2. "Wheat ~~Producer~~" ~~shall mean~~ producer means anyone personally engaged in growing wheat, who markets wheat in commercial quantities in Oklahoma, and includes both the owner and tenant;

3. "~~Commercial Quantities~~" shall mean quantities means and ~~include~~ includes all bushels of wheat produced for market in any calendar year by ~~any~~ a producer;

4. "~~First Purchaser~~" shall mean purchaser means any person, public or private corporation, or partnership buying, accepting for shipment within the state or otherwise acquiring the property in or to wheat from a producer, and ~~shall include~~ includes a mortgagee, pledgee, lienor, or other person, public or private, having a claim against the producer, ~~where~~ if the actual or constructive possession of such wheat is taken as part payment or in satisfaction of such mortgage, pledge, lien or claim; and

5. "~~Commercial Channels~~" shall mean channels means the sale of wheat for any use, when sold to any commercial buyer, dealer, processor, cooperative, or to any person, public or private, who resells any wheat or product produced from wheat.

SECTION 22. AMENDATORY 2 O.S. 1991, Section 1024, is amended to read as follows:

Section 1024. A. With the exception of the ex officio members, the Governor shall appoint a Commission to be known as the Oklahoma Wheat Utilization, Research and Market Development Commission who shall advise and direct the Director of the Wheat Utilization, Research and Market Development Commission.

B. The Commission ~~referred to in subsection A of this section~~ shall be composed of five (5) members who:

1. Are at least twenty-five (25) years of age and residents of Oklahoma;

2. Have been actually engaged in growing wheat in this state for a period of at least five (5) years; and

3. Derive a substantial portion of their income from growing wheat.

C. The five members of the Commission, ~~referred to in subsections A and B of this section,~~ shall be residents of and have

farming operations in those areas of the state designated ~~below~~ as Districts I through V, one from each District:

1. District I, consisting of Alfalfa, Garfield, Grant and Major counties;

2. District II, consisting of Beaver, Cimarron, Ellis, Harper, Texas, Woods and Woodward counties;

3. District III, consisting of Beckham, Blaine, Canadian, Custer, Dewey, Kingfisher, Roger Mills and Washita counties;

4. District IV, consisting of Caddo, Comanche, Cotton, Greer, Harmon, Jackson, Kiowa and Tillman counties; and

5. District V, consisting of all counties east of the western boundary lines of Kay, Noble, Logan, Oklahoma, Cleveland, Grady, Stephens and Jefferson counties.

D. 1. The Governor shall appoint one member of the Commission for each of the Districts established in subsection C of this section from lists of three nominees for each of ~~said~~ the five ~~(5)~~ Districts as selected by the wheat producers of each District in meetings called by the Oklahoma Wheat Utilization, Research and Market Development Commission.

2. All producers who have paid a fee and left it with the Commission during the current year, as provided in ~~Section 1030 of this title~~ the Oklahoma Wheat Resources Act, shall be eligible to vote in ~~said~~ the meetings for their respective Districts; provided, ~~however,~~ that all wheat producers ~~in the state as defined in paragraph 2 of Section 1023 of this title~~ shall be eligible to vote in the selection of nominees for the initial appointments to the Commission. It shall be the responsibility of the producer to prove his or her eligibility to vote.

E. Ex officio, nonvoting members of the Commission ~~referred to in subsection A of this section~~ shall be the President of the Oklahoma State Board of Agriculture and the Director of the State Extension Service.

SECTION 23. AMENDATORY 2 O.S. 1991, Section 1025, is amended to read as follows:

Section 1025. A. Within thirty (30) days after the effective date of this act, the five (5) appointive members of the Oklahoma Wheat Utilization, Research and Market Development Commission shall be appointed as follows: The member from District I for a term ending June 30, 1966; the member from District II for a term ending June 30, 1967; the member from District III for a term ending June 30, 1968; the member from District IV for a term ending June 30, 1969; and the member from District V for a term ending June 30, 1970.

B. As the terms of office of such appointees expire, their successors shall be appointed by the Governor for a term of five (5) years as provided in ~~subsection D of Section 1024 of this title~~ the Oklahoma Wheat Resources Act.

C. Each member shall hold office until ~~his~~ a successor is appointed and has qualified. A member appointed to fill a vacancy occurring before the expiration of a term of a member ~~separated from the Commission~~ for any cause shall be appointed for the remainder of the term ~~of the member whose office has been so vacated.~~

SECTION 24. AMENDATORY 2 O.S. 1991, Section 1027, is amended to read as follows:

Section 1027. A member of the ~~commission~~ Oklahoma Wheat Utilization, Research and Market Development Commission shall be removable by the Governor for cause. In addition to ~~all~~ any other causes, a member ceasing to be a resident of the state, live in the district from which he was appointed, or actually be engaged in growing wheat in the state shall be deemed sufficient cause for removal from office.

SECTION 25. AMENDATORY 2 O.S. 1991, Section 1028, is amended to read as follows:

Section 1028. A. At the first meeting of each fiscal year, the Oklahoma Wheat Utilization, Research and Market Development Commission shall elect a ~~chairman~~ chair, ~~vice-chairman~~ vice-chair, secretary and treasurer from among ~~its~~ the members, and thereafter at the first meeting of each fiscal year. The Commission shall meet at least once every three (3) months and at such other times as called by the ~~chairman~~ chair or by a majority of the Commission.

B. The Commission shall appoint a full-time Director who shall carry out the provisions of ~~this act~~ the Oklahoma Wheat Resources Act. The Director shall not be one of the appointed Commission members. No Acting Director or Assistant Director shall serve in a dual capacity while retaining membership as a Commission member.

SECTION 26. AMENDATORY 2 O.S. 1991, Section 1029, is amended to read as follows:

Section 1029. It is hereby declared to be the public policy of the State of Oklahoma to protect and foster the health, prosperity, and general welfare of its people by protecting and stabilizing the wheat industry and the economy of the areas producing wheat. In connection therewith and in furtherance thereof, the Oklahoma Wheat Utilization, Research and Market Development Commission shall have the power to:

1. Establish an office in Oklahoma City in the Capitol or a capitol office building;
2. Formulate the general policies and programs of the State of Oklahoma respecting the discovery, promotion, and development of markets and industries for the utilization of wheat, such policies and programs to be closely coordinated with the State Board of Agriculture;
3. Adopt and devise a program of education and publicity;
4. Cooperate with local, state, national or other organizations, whether public or private, or voluntary or created by state or national law, engaged in work or activities involving the

expenditure of monies promoting the use of chemicals beneficial to farming operations, contacting regulatory agencies affecting grain grading, facilitating the marketing of grain and publishing information on marketing and production problems of wheat farming, ~~and to.~~ The Commission may enter into ~~such~~ contracts and agreements with such organizations or agencies or carrying on a joint campaign of research, promotion and education. Provided, however, no Commission funds shall be used, directly or indirectly, or as a result of contract or agreement with other persons, or organizations, in supporting or opposing political candidates or political officeholders, and direct lobbying, either state or national, except that the Commission may recommend amendments to ~~this act~~ the Oklahoma Wheat Resources Act. Provided, that nothing herein shall restrict the powers of the Commission as set forth in this section;

5. ~~Adopt~~ Promulgate such rules ~~and regulations~~ as are necessary to promptly and effectively administer the provisions of ~~this act~~ the Oklahoma Wheat Resources Act;

6. Conduct, ~~in addition to the things enumerated,~~ any other program for the utilization, research and market development of wheat grown in the State of Oklahoma as deemed necessary by the Commission;

7. Call and conduct such meetings and elections as may be necessary in carrying out the provisions of ~~this act~~ the Oklahoma Wheat Resources Act;

8. Hire or retain legal counsel to represent wheat producers in matters pertaining to transportation problems and other matters which could result in potential substantial loss to wheat producers; and

9. ~~To expend~~ Expend Commission funds for the purchase of awards and plaques used in promotional projects, baking contests and

recognition of individuals who have made substantial contributions to the wheat industry.

SECTION 27. AMENDATORY 2 O.S. 1991, Section 1030, as amended by Section 1, Chapter 16, O.S.L. 1998 (2 O.S. Supp. 2000, Section 1030), is amended to read as follows:

Section 1030. A. There is hereby assessed a fee of one and one-half cent (\$0.015) per bushel upon all wheat marketed by wheat producers, ~~as defined herein,~~ in this state and sold through commercial channels. The fee is assessed and imposed on the producer at the time of sale or delivery, and shall be collected and remitted by the first purchaser to the Oklahoma Wheat Utilization, Research and Market Development Commission. Under the provisions of ~~this act~~ the Oklahoma Wheat Resources Act, no wheat shall be subject to a fee more than once.

B. The Commission shall allocate twenty percent (20%) of the one-and-one-half-cent ~~(\$0.015)~~ fee levied and collected pursuant to subsection A of this section to the Oklahoma Wheat Research Foundation for the purpose of conducting wheat research, including, but not limited to, utilization and educational projects, ~~minus~~ less the cost of collecting the fee, such cost not to exceed fifty percent (50%) of the total of the office rental and clerical costs, and the costs of supplies and postage and such cost to be prorated on the basis of eighty percent (80%) to the Commission and twenty percent (20%) to the Oklahoma Wheat Research Foundation.

C. In order for the Oklahoma Wheat Research Foundation to qualify for the allocation of twenty percent (20%) of collected fees, the ~~Oklahoma Wheat~~ Commission shall appoint a member of the Oklahoma Wheat Utilization, Research and Market Development Commission to the Oklahoma Wheat Research Foundation board of directors.

SECTION 28. AMENDATORY 2 O.S. 1991, Section 1031, as amended by Section 2, Chapter 16, O.S.L. 1998 (2 O.S. Supp. 2000, Section 1031), is amended to read as follows:

Section 1031. A. Producers may petition for a referendum at any time after five (5) years following the effective date of the Oklahoma Wheat Resources Act to determine if the assessment is to be continued, ~~at any time after five (5) years following the effective date of this act.~~

B. The President of the State Board of Agriculture shall call and conduct a referendum if ~~said~~ the petitions bear signatures of ten percent (10%) of the wheat producers ~~as defined herein~~. No more than one such referendum shall be conducted in any one thirty-six-month period. The State Board of Agriculture shall determine if the petition bears the required number of valid signatures. The President shall announce the referendum at least thirty (30) days prior to the day of voting. At least thirty (30) days before the referendum, the President shall mail a notice of ~~said~~ the referendum to all known wheat producers in the State of Oklahoma who market wheat in commercial quantities. The notice shall specify the dates, times, and places for holding the referendum, ~~and~~. The notice shall also include a sample ballot with the following wording:

DO YOU FAVOR A CONTINUATION OF THE 15 MILL PER BUSHEL ASSESSMENT
ON WHEAT MARKETED IN OKLAHOMA FOR UTILIZATION, RESEARCH AND
MARKET DEVELOPMENT?

YES ()

NO ()

C. Places within each county for conducting ~~said~~ the referendum shall be designated by the Agricultural Extension Division of Oklahoma State University, ~~and voting~~. Voting in each county shall be supervised by the county agricultural extension agent, or a person designated by the Extension Division in cases where there is no county agent in a county at the time of the referendum.

D. The Oklahoma Wheat Utilization, Research and Market Development Commission shall ensure sufficient ballots and supplies necessary for ~~the conduct of~~ conducting the voting and the tabulation of returns.

E. Certified results of the referendum in each county shall be transmitted within twenty-four (24) hours after voting ends to the President of the State Board of Agriculture ~~and the~~. The ballots ~~themselves~~ shall be transmitted to the President within forty-eight (48) hours. Ballots shall be preserved by the President for a period of at least three (3) months.

F. The results of the referendum shall be determined by the President and the results certified to the Governor, who shall issue a proclamation declaring the results.

G. The Commission shall bear expenses of advertising and conducting the referendum.

H. Whenever the question of levying the assessments is disapproved, by failure of sixty percent (60%) of the producers voting in the referendum to favor continuation of the assessments, the proclamation declaring the result shall provide for the termination of the assessments on April 30, following the date of ~~said~~ the referendum.

I. Thirty (30) days after termination of the assessment, all remaining funds of the Commission shall be transferred to the Experiment Stations of Oklahoma State University, to be used for continued research on wheat.

SECTION 29. AMENDATORY 2 O.S. 1991, Section 1032, is amended to read as follows:

Section 1032. A. In the case of a pledge or mortgage of wheat as security for a loan under the federal price support program, the promotional fee levied pursuant to the provisions of the Oklahoma Wheat Resources Act shall be deducted from the proceeds of such loans at the time the loans are made, or shall be deducted

thereafter by agencies of the federal government, ~~and Producer's Note.~~ Any producer's note and ~~Loan Agreement (Commodity Loan Form B)~~ loan agreement or ~~Producer's Note~~ producer's note and ~~Supplemental Loan Agreement (Commodity Loan Form A)~~ supplemental loan agreement or ~~Delivery Instructions (Commodity Purchaser Form 3)~~ delivery instructions issued by the federal agency to the producer are hereby approved as fulfilling the requirements for invoices, and ~~the~~ such forms ~~herein approved~~ shall be deemed to constitute proof of payment of ~~such~~ the promotional fee on the wheat listed thereon.

B. Supplemental or alternate forms which may be proposed by the Commodity Credit Corporation and contained the necessary information may be used without revision of ~~this act~~ the Oklahoma Wheat Resources Act.

C. The Commodity Credit Corporation's use of identification numbers in lieu of the name of the producer from whom the fee was collected is hereby approved, ~~such approval being in consideration of assurance received from the Commodity Credit Corporation~~ provided that authorized officials of the State of Oklahoma will have access at all reasonable times to records in the county agricultural stabilization and conservation offices showing the names of producers to whom such identification numbers have been assigned.

D. If ~~such~~ pledged or mortgaged wheat, described in subsection A of this section, remains in farm storage for the duration of ~~such~~ the pledge or mortgage, the promotional fee so paid at the time the loan was made shall be deemed a complete satisfaction of the ~~promotional~~ fee liability unless upon subsequent actual delivery of ~~such~~ the wheat from farm storage in satisfaction of the pledge, or mortgage in the amount of One Dollar (\$1.00) or more, such underpayment being due solely for the necessity of estimating the quantity of wheat so placed in farm storage.

E. In connection with the collection of the wheat promotional fee on Commodity Credit Corporation wheat loans disbursed and

purchase agreement settlement made, undercollections or overcollections of the wheat promotional fee amounting to One Dollar (\$1.00) or less as a result of errors, will not require collection of the underpayment or refund of the overpayment by Commodity Credit Corporation and their responsibility in such cases shall be waived.

SECTION 30. AMENDATORY 2 O.S. 1991, Section 1033, is amended to read as follows:

Section 1033. ~~(a)~~ A. The purchaser shall render and have on file a report with the ~~commission~~ Oklahoma Wheat Utilization, Research and Market Development Commission by the fifteenth day of each calendar quarter following any calendar quarter in which such a purchaser has purchased ten thousand (10,000) or more bushels of wheat. If less than ten thousand (10,000) bushels have been purchased, in any calendar quarter, the fee may be reported and remitted with the following quarter's return, except that all fees collected must be remitted at least once every six (6) months.

~~(b)~~ B. In case any person, business or entity, public or private, subject to the fee ~~hereunder~~, fails to make a report and remittance ~~when and as herein~~ required, the Director of the Commission shall determine the amount of ~~such the~~ fee according to his or her best judgment and information, ~~which.~~ The amount so fixed by the Director shall be prima facie correct, ~~and such.~~ The person ~~so~~ having failed to make ~~such the~~ report shall, within ten (10) days after notice of the amount of the fee so fixed and computed by the ~~director~~ Director is mailed to such person, pay ~~said~~ the fee, together with a penalty of five percent (5%) on the amount of the fee ~~or he.~~ The person may dispute the fee as fixed by the Director and request the ~~commission~~ Commission to hold a hearing to determine the amount of the fee and penalty to be imposed. No payment shall be made until the ~~commission~~ Commission enters its order determining the amount of ~~such the~~ payment, ~~but such.~~ When

the Commission determines the amount of the payment, the payment shall be paid within ten (10) days of notice of such decision.

SECTION 31. AMENDATORY 2 O.S. 1991, Section 1034, is amended to read as follows:

Section 1034. A. The ~~chairman~~ chair of the Oklahoma Wheat Utilization, Research and Market Development Commission shall ~~make an~~ submit a written annual report to the Governor, within thirty (30) days after June 30 of each year, showing in detail all income and expenditures and any other facts relevant to ~~this act~~ the Oklahoma Wheat Resources Act. ~~Such~~ The annual report shall also include a list of all officers and employees of the Oklahoma Wheat Utilization, Research and Market Development Commission and shall indicate the official positions of ~~such~~ the officers and employees and their salaries ~~paid thereto~~.

B. The report shall be available to the public. A copy shall be sent to each producer upon whom the fees levied ~~by Section 1030 of this title is~~ pursuant to the Oklahoma Wheat Resources Act are assessed.

C. All records of the Commission shall be kept at least three (3) years.

D. The Oklahoma Wheat Research Foundation shall make an annual report to the ~~chairman~~ chair of the Commission, within fifteen (15) days after June 30 of each year, showing disposition of all funds allocated to it under the provisions of ~~this act~~ the Oklahoma Wheat Resources Act.

SECTION 32. AMENDATORY 2 O.S. 1991, Section 1035, is amended to read as follows:

Section 1035. A. Any person, firm or corporation subject to the fee provided in ~~Section 1030 of this title~~ the Oklahoma Wheat Resources Act that objects to the collection of the fee may, within one hundred twenty (120) days following such collection, make application to the Director of the Oklahoma Wheat Utilization,

Research and Market Development Commission for a refund of ~~such the~~
fee ~~and upon.~~ Upon receipt of ~~said the~~ application ~~such the~~
Commission shall refund ~~shall be made~~ the fee within thirty (30)
days. Application forms for a refund ~~purposes~~ shall be furnished by
the Commission and shall be made available at all places where the
fee is required to be collected.

B. The availability of a refund and instructions describing the
process of obtaining a refund shall be posted in a conspicuous
public location at all places where the fees are required to be
collected.

SECTION 33. AMENDATORY 2 O.S. 1991, Section 1036, is
amended to read as follows:

Section 1036. A. All monies received by the ~~commission~~
Oklahoma Wheat Utilization, Research and Market Development
Commission from the fees ~~hereinbefore~~ assessed pursuant to the
Oklahoma Wheat Resources Act shall be deposited in the State
Treasury to the credit of the Commission's Revolving Fund, and shall
be disbursed by order of the ~~commission~~ Commission upon warrants
issued by the State Treasurer against claims submitted to the
Director of State Finance for audit and payment.

B. The books, records and accounts of the ~~commission~~
Commission, and the Oklahoma Wheat Research Foundation in respect to
the funds allocated to it under the provisions of ~~this act~~ the
Oklahoma Wheat Resources Act, shall be audited annually by the State
Auditor and Inspector, ~~with the.~~ The cost of the respective audits
~~to~~ shall be paid from the funds of the ~~respective~~ organization for
whom the audit is made.

SECTION 34. AMENDATORY 2 O.S. 1991, Section 1036.1, is
amended to read as follows:

Section 1036.1 By order of the director of the Oklahoma Wheat
Utilization, Research and Market Development Commission, with
approval of the members of the ~~commission~~ Commission, any of the

monies in the Wheat Utilization, Research and Market Development Commission Revolving Fund may be invested in securities of the state or federal government. The monies may also be deposited in certificates of deposit or in savings accounts or certificates of any bank, trust company or savings and loan association insured by a federal agency. These securities, certificates of deposit, savings accounts or savings certificates shall be placed in the care of the State Treasurer, who shall collect the principal and interest when due and pay both into the Oklahoma Wheat Utilization, Research and Market Development Commission Revolving Fund.

SECTION 35. AMENDATORY 2 O.S. 1991, Section 1037, is amended to read as follows:

Section 1037. The ~~commission~~ Oklahoma Wheat Utilization, Research and Market Development Commission may cooperate with and enter into contracts with proper local, state or national organizations, public or private, in carrying out the purposes of ~~this act~~ the Oklahoma Wheat Resources Act.

SECTION 36. AMENDATORY 2 O.S. 1991, Section 1038, is amended to read as follows:

Section 1038. Any person violating any of the provisions of ~~this act~~ the Oklahoma Wheat Resources Act shall be guilty of a misdemeanor.

SECTION 37. AMENDATORY 2 O.S. 1991, Section 1101, is amended to read as follows:

Section 1101. ~~This~~ Sections 37 through 49 of this act shall be known and may be cited as the "Oklahoma Peanut Act".

SECTION 38. AMENDATORY 2 O.S. 1991, Section 1102, is amended to read as follows:

Section 1102. For the purpose of ~~this act and unless otherwise required by context~~ the Oklahoma Peanut Act:

~~(1)~~ 1. "Commission" means the Oklahoma Peanut Commission;

~~(2)~~ 2. "Grower" means any natural person engaged in growing peanuts-; i

~~(3)~~ 3. "First purchaser" is any person, public or private corporation, association or partnership buying or otherwise acquiring after harvest the property in or to peanuts from a grower. A mortgagee, pledgee, lienor or other person, public or private, having a claim against the grower under a nonrecourse loan made against such peanuts after harvest thereof shall be deemed a purchaser ~~hereunder, provided, the.~~ The term "first purchaser" shall not include a harvesting or threshing lienee-; i

~~(4)~~ 4. "Commercial channels" is the sale of peanuts for use as food, feed, seed or any industrial or chemurgic use, when sold to any commercial buyer, dealer, processor, cooperative, or to any person, public or private, who resells any peanuts or product produced from peanuts-; and

~~(5)~~ 5. "Sale" includes any pledge or mortgage of peanuts, after harvest, to any person, public or private.

SECTION 39. AMENDATORY 2 O.S. 1991, Section 1103, as last amended by Section 1, Chapter 93, O.S.L. 2000 (2 O.S. Supp. 2000, Section 1103), is amended to read as follows:

Section 1103. A. There is hereby created the Oklahoma Peanut Growers Association composed of all peanut growers paying the assessment provided in ~~Section 1108 of this title~~ the Oklahoma Peanut Act. There is hereby re-created, to continue until July 1, 2006, in accordance with the provisions of the Oklahoma Sunset Law, the Oklahoma Peanut Commission composed of six (6) members selected from districts ~~hereinafter~~ described- as follows:

1. District I shall consist of the following counties:
Carter, Creek, Cleveland, Garvin, Johnston, Lincoln, Logan, Love, McClain, Marshall, Murray, Muskogee, Oklahoma, Okmulgee, Payne, Pawnee, Pontotoc, Pottawatomie, Seminole, Tulsa, Wagoner, Noble, Kay and Osage-; i

2. District II shall consist of the following counties:
Atoka, Bryan, Choctaw, Coal, Haskell, Hughes, LeFlore, McCurtain,
McIntosh, Okfuskee, Pittsburg, Pushmataha, Latimer, Sequoyah, Adair,
Cherokee, Delaware, Ottawa, Craig, Mayes, Rogers, Nowata and
Washington; and

3. District III shall consist of all other counties within the
state.

B. A meeting shall be held annually by the Oklahoma Peanut
Growers Association within each district at which all members in the
district may attend and be present for the purpose of ascertaining
the needs of the members within ~~said~~ the district and ~~determine~~
determining whether or not the policies and activities of the
Commission are meeting those needs.

C. District meetings shall be advertised in the "Oklahoma
Peanut", the official newspaper of the Oklahoma Peanut Commission,
stating the date, the time and the place of each meeting to be held.

D. Election of six nominees from each district shall be
conducted by the Oklahoma Peanut Growers Association ~~and~~
~~appointments.~~ Appointments to the Commission shall be made by the
Governor from the list of six nominees in each district. The manner
in which these six nominees are elected shall be at the discretion
of the Board of Directors of the Oklahoma Peanut Growers
Association.

E. The members of the Commission first appointed after April
18, 1969, shall hold their offices as follows:

1. Commissioners for District I shall serve for one (1) year; and

2. Commissioners for District II shall serve for two (2) years; and

3. Commissioners for District III shall serve for three (3)
years; thereafter, the Commissioners shall be appointed for
three-year terms.

Re-creation of the Commission will not alter the existing staggered terms.

SECTION 40. AMENDATORY 2 O.S. 1991, Section 1104, is amended to read as follows:

Section 1104. Members of the ~~commission~~ Oklahoma Peanut Commission shall be residents of this state who are at least twenty-five (25) years of age, are actively engaged in growing peanuts in this state and have paid their current assessment as provided for in ~~this act~~ the Oklahoma Peanut Act.

SECTION 41. AMENDATORY 2 O.S. 1991, Section 1105, is amended to read as follows:

Section 1105. A. A member of the ~~commission~~ Oklahoma Peanut Commission may cease to hold his or her position on the ~~commission~~ Commission for any of the following reasons, at the discretion of a majority of the ~~commission~~ Commission, upon resolution duly adopted by the ~~commission~~ Commission dismissing such member:

~~(1)~~ 1. Failure to attend two or more regular meetings of the ~~commission~~ Commission;

~~(2)~~ 2. Ceasing to be a resident of the district from which he was appointed; and

~~(3)~~ 3. Ceasing to be actually engaged in growing peanuts or participating in the program by not paying the assessment as provided for in ~~this act~~ the Oklahoma Peanut Act.

B. Members of the ~~commission~~ Commission shall receive reimbursement for all actual and necessary travel expenses incurred in the performance of their official duties in accordance with the provisions of the State Travel Reimbursement Act.

SECTION 42. AMENDATORY 2 O.S. 1991, Section 1106, is amended to read as follows:

Section 1106. In the administration of ~~this act~~ the Oklahoma Peanut Act, the ~~commission~~ Oklahoma Peanut Commission shall have the ~~following duties, authorities and powers~~ power and duty to:

~~(1) To conduct~~ 1. Conduct a campaign of research, promotion and education;

~~(2) To find~~ 2. Find new markets for peanuts and peanut products;

~~(3) To accept~~ 3. Accept grants and donations;

~~(4) To sue~~ 4. Sue and be sued;

~~(5) To enter~~ 5. Enter into such contracts as may be necessary or advisable for the purpose of ~~this act~~ the Oklahoma Peanut Act;

~~(6) To appoint~~ 6. Appoint an executive secretary and such other personnel as is needed, and to prescribe their duties and fix their compensation;

~~(7) To cooperate~~ 7. Cooperate with any organization or agency, whether voluntary or created by law or any state or by national law engaged in work or activities similar to the work and activities of the ~~commission~~ Commission, and to enter into contracts and agreements with such organizations or agencies for carrying on a joint campaign of research, promotion and education; provided, however, no ~~commission~~ Commission funds may be used, directly or indirectly, or as a result of contract or agreement, with other persons or organizations in supporting or opposing political candidates or political office holders, either state or national except for recommending amendments to ~~this act~~ the Oklahoma Peanut Act. Provided that nothing herein shall restrict the powers of the ~~commission~~ Commission as set forth in this section of ~~this act~~ the Oklahoma Peanut Act;

~~(8) To establish~~ 8. Establish an office of the executive secretary at any place in this state the ~~commission~~ Commission may select; and

~~(9) To prosecute~~ 9. Prosecute in the name of the State of Oklahoma any suit or action for the collection of the tax or assessment ~~herein~~ provided pursuant to the Oklahoma Peanut Act.

SECTION 43. AMENDATORY 2 O.S. 1991, Section 1107, is amended to read as follows:

Section 1107. A. The ~~commission~~ Oklahoma Peanut Commission shall meet annually for the purpose of organizing. ~~It~~ The Commission shall elect a ~~chairman~~ chair, ~~vice-chairman~~ vice-chair and a secretary annually from among the six commissioners. The ~~commission~~ Commission shall meet at least once every calendar quarter and hold an annual meeting for discussion of policy and at which time the ~~commission~~ Commission shall make ~~its~~ a report to the Governor.

B. The day, time and place of each meeting shall be determined by the ~~commission~~ Commission. The ~~chairman~~ chair or any three members of the ~~commission~~ Commission may call special meetings of the ~~commission~~ Commission upon such notice as may be prescribed by the duly ~~adopted~~ promulgated rules of the ~~commission~~ Commission.

C. All meetings of the ~~commission~~ Commission shall be held subject to ~~Sections 301 through 314 of Title 25 of the Oklahoma Statutes~~ Open Meeting Act.

SECTION 44. AMENDATORY 2 O.S. 1991, Section 1108, is amended to read as follows:

Section 1108. A. There is hereby levied an assessment of Two Dollars (\$2.00) per net ton of peanuts on a farmer's stock basis marketed in Oklahoma. Such assessment shall be levied and assessed to the grower at the time of sale, and shall be shown as a deduction by the first purchaser from the price paid in settlement to the grower; provided that within sixty (60) days after any sale the grower may upon submission of a written request therefor to the executive secretary obtain a refund in the amount of the assessment deducted by ~~said~~ the first purchaser. The refund ~~back~~ to the grower who has requested such refund shall be made within sixty (60) days following the request. Such request shall be accompanied by the producer's Marketing Quota forms (MQ's) which shall be evidence of the payment of ~~said~~ the assessment which need not be verified.

B. The availability of a refund and instructions describing the process of obtaining a refund shall be posted in a conspicuous public location at all places where the fees are required to be collected.

C. The Oklahoma Peanut Commission shall keep complete records of all refunds made under the provisions of this section. Records of refunds may be destroyed two (2) years after the refund is made.

D. All funds expended in the administration of ~~Sections 1103 through 1113 of this title~~ the Oklahoma Peanut Act and for the payment of all claims whatsoever growing out of the performance of any duties or activities pursuant to ~~Sections 1103 through 1113 of this title~~ the Oklahoma Peanut Act shall be paid from the proceeds derived from subsection A of this section. In the case of a lienholder who is a first purchaser ~~as defined herein~~, the assessment shall be deducted by the lienholder from the proceeds of the claim secured by such lien at the time the peanuts are pledged or mortgaged. ~~Said~~ The assessment shall constitute a preferred lien and shall have priority over all other liens and encumbrances upon such peanuts. The assessment shall be deducted and paid as herein provided whether such peanuts are stored in this or any other state.

SECTION 45. AMENDATORY 2 O.S. 1991, Section 1109, is amended to read as follows:

Section 1109. A. The assessment imposed shall before the twentieth day of the calendar month following the date of settlement be paid by the purchaser to the executive secretary of the Oklahoma Peanut Commission. The executive secretary shall give the purchaser a receipt.

B. There is hereby created in the State Treasury a revolving fund for the Oklahoma Peanut Commission, to be designated the Oklahoma Peanut Commission Revolving Fund. The fund shall consist of all assessments received by the ~~commission~~ Commission. The fund

shall be administered in accordance with the provisions of the Revolving Fund Procedures Act.

SECTION 46. AMENDATORY 2 O.S. 1991, Section 1109.1, is amended to read as follows:

Section 1109.1 A. By order of the executive secretary of the Oklahoma Peanut Commission, with approval of the members of the ~~commission~~ Commission, any of the monies in the Oklahoma Peanut Commission Revolving Fund may be invested in securities of the state or federal government.

B. The monies may also be deposited in certificates of deposit, or in savings accounts or certificates of any bank, trust company or savings and loan association insured by a federal agency.

C. These securities, certificates of deposit, savings accounts or savings certificates shall be placed in the care of the State Treasurer, who shall collect the principal and interest when due and pay both into the Peanut Commission Revolving Fund.

SECTION 47. AMENDATORY 2 O.S. 1991, Section 1110, is amended to read as follows:

Section 1110. If the assessment is not deducted and paid to the executive secretary as provided in ~~Section 9 of this act~~ the Oklahoma Peanut Act, or within ten (10) days thereafter, ~~said~~ the lien may within one (1) year after the expiration of said ten (10) days period be foreclosed by action in any court having jurisdiction in the county in which such peanuts were grown, or sold, or in which such peanuts may be found, or in which such peanuts shall have been commingled with other peanuts.

SECTION 48. AMENDATORY 2 O.S. 1991, Section 1112, is amended to read as follows:

Section 1112. Any person who ~~shall violate~~ violates any of the provisions of ~~this act~~ the Oklahoma Peanut Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be

punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00).

SECTION 49. AMENDATORY 2 O.S. 1991, Section 1113, is amended to read as follows:

Section 1113. A. Before any change in assessment can be made, a referendum of the members of the Oklahoma Peanut Growers Association shall be conducted to determine the proportion of the members that favor continuation of the program and the proportion of the members that favor discontinuing the program. Thereafter, such referendum shall be conducted no more ~~often~~ than once every three (3) years upon the receipt by the Oklahoma Peanut Commission of petitions requesting a referendum signed by at least ten percent (10%) of the members of the Oklahoma Peanut Growers Association.

B. At any time a referendum is to be held, the Commission shall write a definition of a producer eligible to vote, and shall cause a notice to be given, by letter or publication in the official publication of the Oklahoma Peanut Commission. The Commission shall send ballots to those persons eligible to vote and shall set the final date for ballots to be returned for tabulation. The Commission shall provide for the printing of ballots and shall furnish a double envelope system so that the identity of a voter cannot be determined. The grower shall return the ballots by way of a sealed envelope, pre-addressed to the President of the State Board of Agriculture.

C. Tabulation of ballots shall be jointly by the President of the State Board of Agriculture and chairman of the Oklahoma Peanut Commission. Whenever the question of levying the assessments is disapproved, by failure of sixty percent (60%) of growers voting in the referendum to favor continuation of the assessments, the proclamation declaring the result shall provide for the termination of the assessments on April 30, following the date of ~~said~~ the referendum.

D. Thirty (30) days after termination of the assessment, all remaining funds of the Commission shall be transferred to the experiment stations of Oklahoma State University to be used for continued research on peanuts.

SECTION 50. AMENDATORY 2 O.S. 1991, Section 1451, is amended to read as follows:

Section 1451. This ~~act~~ subarticle shall be known and may be cited as the "~~The~~ Oklahoma Agricultural Liming Materials Act".

SECTION 51. AMENDATORY 2 O.S. 1991, Section 1452, is amended to read as follows:

Section 1452. ~~As~~ When used in the Oklahoma Agricultural Liming Materials Act:

1. "Agricultural liming material" means a product whose calcium and magnesium compounds are capable of neutralizing soil acidity;

2. "Brand" means the term, designation, trademark, product name, or other specific designation under which an individual agricultural liming material is offered for sale;

3. "Bulk" means liquid or solid liming material in a nonpackaged form;

4. "Burnt lime" means a calcined material ~~made from limestone which consists essentially~~ comprised chiefly of calcium oxide ~~or a combination of calcium oxide~~ in natural association with lesser amounts ~~with~~ of magnesium ~~oxide~~ and is capable of slaking with water;

5. "Calcium Carbonate Equivalent" (CCE) means the acid neutralizing capacity of an agricultural liming material expressed as weight percentage of calcium carbonate;

6. "Effective Calcium Carbonate Equivalent" (ECCE) is the percent of calcium carbonate equivalent (CCE) multiplied by the "fineness factor";

7. "Fineness" means the percentage by weight of the material ~~which will pass~~ passing U. S. standard sieves of specified sizes.

The State Board of Agriculture shall promulgate rules relating to fineness and shall be guided by the American Society for Testing Materials specification for sieve sizes;

8. "Fineness factor" is the degree of fineness of the liming material used and shall be determined as prescribed ~~under~~ by rules;

9. "Guarantor" means a person responsible to the Board for any claims or guarantees associated with the manufacture, distribution, and use of agricultural liming materials;

10. "Hydrated lime" means a dry material made from burnt lime ~~which consists essentially of calcium hydroxide or a combination of calcium hydroxide with magnesium oxide and/or magnesium hydroxide;~~

~~10.~~ 11. "Industrial ~~by-products~~ coproducts" means any industrial waste or by-product containing calcium or calcium and magnesium in forms that will neutralize soil acidity and it may be designated by prefixing the name of the industry or process used for its production;

~~11.~~ 12. "Label" means any written or printed matter on or attached to the package or on the delivery ticket or invoice which accompanies bulk shipments;

~~12.~~ 13. "Limestone" means a material consisting essentially of calcium carbonate or a combination of calcium carbonate with magnesium carbonate capable of neutralizing soil acidity;

~~13.~~ 14. "Marl" means a granular or loosely consolidated earthy material composed largely of sea shell fragments and calcium carbonate;

~~14.~~ 15. "Percent" or "percentage" means by weight; and

~~15.~~ "Person" ~~includes any individual, partnership, association, company, firm, corporation, manufacturer, distributor, organized group of persons whether or not incorporated, or any other legal entity;~~

16. "Registrant" means the person, ~~firm, or corporation~~ registering agricultural liming materials pursuant to the provisions of the Oklahoma Agricultural Liming Materials Act;

17. ~~"Board" means the Oklahoma State Board of Agriculture;~~

18. ~~"Guarantor" means that person who is responsible to the Board for any claims or guarantees associated with the manufacture, distribution, and use of agricultural liming materials; and~~

19. ~~"License" means a written document issued to a person by the Board which shows that the person has met all of the licensing requirements established by the Oklahoma Agricultural Liming Materials Act.~~

SECTION 52. AMENDATORY 2 O.S. 1991, Section 1453, is amended to read as follows:

Section 1453. A. Agricultural liming materials sold, offered, l or exposed for sale in the state shall have affixed ~~to each package~~ in a conspicuous manner on the outside ~~thereof,~~ of each package a plainly printed, stamped or ~~otherwise~~ marked label, tag, l or statement, or in the case of bulk sales, a delivery slip or invoice, setting forth ~~at least~~ the following information:

1. The name and principal office address of the manufacturer or distributor;

2. The brand or trade name, ~~if any,~~ of the material;

3. The identification of the product as to the type of the agricultural liming material;

4. The net weight of the agricultural liming material; and

5. The minimum percentage of Effective Calcium Carbonate Equivalent (ECCE) guaranteed.

B. No information or statement shall appear on any package, label, delivery slip, l or advertising ~~matter which~~ that is false or misleading to the purchaser as to the quality, analysis, type, l or composition of the agricultural liming material.

C. In the case of any ~~material which has been~~ adulterated material subsequent to packaging, labeling, or loading thereof and before delivery to the consumer, a plainly marked notice ~~to that effect~~ shall be affixed by the vendor to the package or delivery slip to identify the kind and degree of ~~such~~ adulteration ~~therein~~.

D. At every site from which agricultural liming materials are delivered in bulk and at every place where consumer orders for bulk deliveries are placed, there shall be conspicuously posted a copy of the statement required by this section for each brand of material.

E. Each separately identified product ~~and/or~~ or each effective calcium carbonate equivalent shall be registered before being distributed in this state. The application for registration shall be submitted to the Board on forms furnished. Upon approval, a copy of the registration shall be furnished to the applicant. ~~Such~~ The registration shall contain the labeling information ~~as set forth~~ required in subsection A of this section. Registrations shall be permanent unless canceled by the registrant or by the Board.

F. A distributor shall not be required to register any brand of agricultural liming material ~~which~~ that is already registered pursuant to the Oklahoma Agricultural Liming Materials Act by another person, providing the label does not differ in any respect.

SECTION 53. AMENDATORY 2 O.S. 1991, Section 1453.1, is amended to read as follows:

Section 1453.1 A. Any agricultural liming material offered for sale, sold, or distributed in this state in bags, barrels, or other containers shall have placed on or affixed to the container in written or printed form the information required by subsection A of Section ~~1453~~ 8-80.3 of ~~Title 2 of the Oklahoma Statutes~~ this title, either:

1. On tags affixed to the end of the package between the ears or on the sewn end or both between the ears and on the sewn end; or

2. Directly on the package in ~~such~~ a manner as determined by the Board.

B. If distributed in bulk, a written or printed statement of the weight, as well as the information required by paragraphs 1, 2, 3 and 5 of subsection A of Section ~~1453~~ 8-80.3 of ~~Title 2 of the Oklahoma Statutes~~ this title, shall accompany delivery and be supplied to the purchaser.

SECTION 54. AMENDATORY 2 O.S. 1991, Section 1454, is amended to read as follows:

Section 1454. A. No agricultural liming material shall be sold or offered for sale in this state unless it complies with provisions of the Oklahoma Agricultural Liming Materials Act or rules promulgated thereto.

B. No agricultural liming material shall be sold or offered for sale in this state ~~which~~ that contains toxic materials in quantities injurious to plants or animals.

C. If an analysis shows that a commercial agricultural liming material falls below the guaranteed analysis, the State Board of Agriculture may require the payment of an administrative penalty to the consumer in the amount of the current value of the deficiency. All administrative penalties assessed ~~under~~ pursuant to this section shall be paid to the consumer represented by the sample analyzed within thirty (30) days after the date of notice from the Board to the guarantor, with receipts taken ~~therefor~~ and promptly forwarded to the Board. If ~~such~~ the consumers cannot be found, the amount of the penalty shall be forwarded to the Board and be deposited in the State ~~Board~~ Department of Agriculture Revolving Fund.

SECTION 55. AMENDATORY 2 O.S. 1991, Section 1455, is amended to read as follows:

Section 1455. A. It shall be unlawful for any person to engage in the spreading of liming materials on properties belonging to

others unless ~~such~~ the person has a current vendor's license issued by the State Board of Agriculture.

B. Application for ~~such~~ a license shall be in the form prescribed by the Board and shall state the name and address of the applicant and the number of spreader trucks or similar vehicles to be used by the applicant. The application shall be accompanied by an annual license fee of Twenty-five Dollars (\$25.00). Each license shall expire December 31 of each year.

SECTION 56. AMENDATORY 2 O.S. 1991, Section 1456, is amended to read as follows:

Section 1456. A. For the purpose of helping to defray the expenses of inspection, ~~and otherwise~~ administering, and carrying out the provisions of the Oklahoma Agricultural Liming Materials Act, an inspection fee of ten cents (\$0.10) per ton shall be paid to the State Board of Agriculture on all agricultural liming material sold or distributed for use within this state.

B. All ~~such~~ agricultural liming material fees collected shall be deposited in the State Department of Agriculture Revolving Fund.

C. Manufacturers, importers, and other guarantors distributing agricultural liming materials in the state shall file with the Board not later than the last day of January and July of each year, a semiannual report on forms furnished by the Board setting forth, by counties, the number of net tons of agricultural liming material distributed in this state during the preceding six (6) calendar months. ~~Such~~ This report shall be accompanied by payment of the inspection fee. The Board shall have authority to audit records of each person to determine the accuracy of ~~said~~ these reports.

~~B.~~ D. Any agricultural liming material on which the inspection fee has not been paid shall be subject to a stop-sale, removal order, or seizure.

~~C.~~ E. The Board may publish and distribute semiannually or annually to each person, distributor, registrant, licensee, and

other interested persons a report showing the tons of agricultural liming material sold in each county of Oklahoma. This report shall in no way divulge the operation of any registrant, distributor, or licensee.

SECTION 57. AMENDATORY 2 O.S. 1991, Section 1457, is amended to read as follows:

Section 1457. A. The State Board, ~~who may act through its authorized agent,~~ of Agriculture is authorized to sample, inspect, make analyses of and test agricultural liming materials distributed within this state as ~~it may deem~~ necessary to determine whether ~~such~~ the agricultural liming materials are in compliance with the provisions of the Oklahoma Agricultural Liming Materials Act. The Board through its authorized agent is authorized to enter upon any public or private premises or carriers during regular business hours in order to have access to agricultural liming material subject to the provisions of the Oklahoma Agricultural Liming Materials Act and rules pertaining thereto, and to the records relating to their distribution.

B. The methods of analysis and sampling shall be those approved by the Board as established by the Association of Official Analytical Chemists.

C. The Board may annually publish the results of official analysis of agricultural liming materials ~~may be published annually by the Board.~~

SECTION 58. AMENDATORY 2 O.S. 1991, Section 1458, is amended to read as follows:

Section 1458. A. The State Board ~~through its authorized agent of Agriculture~~ may issue and enforce a written or printed "stop-sale order" to the owner or custodian of any agricultural liming materials, to hold ~~such~~ the materials at a designated place when it finds ~~said~~ agricultural liming materials are being offered or

exposed for sale in violation of any of the provisions of the Oklahoma Agricultural Liming Materials Act or rules until:

1. ~~Such~~ The owner or custodian is in compliance with the Oklahoma Agricultural Liming Materials Act; and

2. The agricultural liming materials are released in writing by the Board or its authorized agent; or

3. The violation has been ~~otherwise~~ legally disposed of by written authority.

B. The Board or its authorized agent shall release the agricultural liming materials when the requirements of the provisions of the Oklahoma Agricultural Liming Materials Act have been complied with and all costs and expenses incurred in connection with the stop-sale order have been paid.

SECTION 59. AMENDATORY 2 O.S. 1991, Section 1501, is amended to read as follows:

Section 1501. ~~This~~ Sections 59 through 75 of this act shall be known and may be cited as the "Oklahoma Sheep and Wool Producers Act".

SECTION 60. AMENDATORY 2 O.S. 1991, Section 1502, as last amended by Section 1, Chapter 97, O.S.L. 2000 (2 O.S. Supp. 2000, Section 1502), is amended to read as follows:

Section 1502. There shall be re-created, to continue until July 1, 2006, in accordance with the provisions of the Oklahoma Sunset Law, the Sheep and Wool Utilization, Research and Market Development Commission for the utilization, research and market development of sheep and wool produced in Oklahoma.

SECTION 61. AMENDATORY 2 O.S. 1991, Section 1503, is amended to read as follows:

Section 1503. As used in ~~this act~~ the Oklahoma Sheep and Wool Producers Act, unless the context otherwise requires:

1. "Commission" shall mean the Sheep and Wool Utilization, Research and Market Development Commission.;

2. "Dealer" shall mean any person who buys or accepts sheep or wool from a sheep producer for shipment or for delivery to or in behalf of any person within or without the state. Such person may or may not be, depending upon the circumstances, a final purchaser-;

3. "Final purchaser " shall mean any person who buys or accepts sheep, either within or without the state, or who buys or accepts wool for processing, or intends to process such wool, either within or without the state-;

4. "Oklahoma sheep producer" shall mean anyone personally engaged in producing sheep who markets sheep in Oklahoma either within or without the state-; and

5. "Person" shall mean any individual, partnership, association, corporation or other business enterprise.

SECTION 62. AMENDATORY 2 O.S. 1991, Section 1504, is amended to read as follows:

Section 1504. ~~A.~~ The Sheep and Wool Utilization, Research and Market Development Commission shall consist of seven (7) elected members who are at least twenty-five (25) years of age and residents of Oklahoma, and have been actually engaged in producing sheep or wool in this state for a period of at least three (3) years. The Commission shall be composed as follows:

1. One member of the Commission shall be a resident of this state and elected at large-;

2. Two members of the Commission shall be residents of this state and producers of the major purebred breeds of sheep in this state and shall be elected at large-; and

~~B.~~ 3. The remaining four elected members of the Commission shall be residents of those areas of the state designated ~~below~~ as Districts I-IV, one member from each district:

~~1.~~ a. District I (Northwest), consisting of Alfalfa, Beaver, Blaine, Cimarron, Garfield, Grant, Harper, Kay,

Kingfisher, Logan, Major, Noble, Payne, Roger Mills, Texas, Woods, and Woodward Counties~~†, 1~~

~~2.~~ b. District II (Southwest), consisting of Beckham, Caddo, Canadian, Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Grady, Greer, Harmon, Jackson, Jefferson, Kiowa, Oklahoma, Stephens, Tillman, and Washita Counties~~†, 1~~

~~3.~~ c. District III (Southeast), consisting of Atoka, Bryan, Carter, Choctaw, Coal, Garvin, Haskell, Hughes, Johnston, Latimer, LeFlore, Love, McClain, McCurtain, McIntosh, Marshall, Murray, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, and Seminole Counties~~†, 1~~ and

~~4.~~ d. District IV (Northeast), consisting of Adair, Cherokee, Craig, Creek, Delaware, Lincoln, Mayes, Muskogee, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Rogers, Sequoyah, Tulsa, Wagoner, and Washington Counties.

SECTION 63. AMENDATORY 2 O.S. 1991, Section 1505, is amended to read as follows:

Section 1505. A. The Oklahoma Sheep and Wool Producers, Incorporated, shall call the original election of members to the Sheep and Wool Utilization, Research and Market Development Commission, ~~provided that all.~~ All subsequent elections shall be called by the Oklahoma Sheep and Wool Utilization, Research and Market Development Commission. All producers who have paid a fee during the current year, as provided in ~~Section 1509 of this title~~ the Sheep and Wool Producers Act, shall be eligible to vote in the election of members of the Commission, if no part of the fee has been returned to the producer by the Commission. All sheep and wool producers in the state, as defined in ~~Section 1503 of this title~~ by the Sheep and Wool Producers Act, shall be eligible to vote in the election of the initial members of the Commission. The election of

subsequent at large Commission members shall be by mail as provided in subsection ~~D~~ E of this section.

B. Within thirty (30) days after the establishment of the Oklahoma Sheep and Wool Utilization, Research and Market Development Commission ~~pursuant to Section 1502 of this title~~, the Oklahoma Sheep and Wool Producers, Incorporated, shall call meetings of the sheep and wool producers in each of the districts established in Section ~~1504~~ 18-183 of this title, for the purpose of electing members of the Oklahoma Sheep and Wool Utilization, Research and Market Development Commission. A producer shall be entitled to vote for candidates for the Commission to represent his or her respective district, the state at large and a major purebred breed. It shall be the responsibility of the producer to prove ~~his~~ eligibility to vote.

C. Members of the Commission shall be elected as follows:

1. The members representing Districts I, IV and the state at large for terms ending June 30, 1974; ~~the~~

2. The members representing Districts II and III for terms ending June 30, 1975; and ~~the~~

3. The two members representing the major purebred breeds for terms ending June 30, 1976.

As the terms of office of such members expire, their successors shall be elected for terms of three (3) years as provided in this section.

D. Each member shall hold office until ~~his~~ the successor is elected and has qualified. A member elected to fill a vacancy occurring before the expiration of a term of a member separated from the Commission for any cause shall be elected for the remainder of the term of the member whose office has been so vacated.

~~D.~~ E. 1. Ballots shall be published at the request of the Commission in any market news service made available to Oklahoma sheep and wool producers. Nominations for election to the

Commission for the three at large members shall be published in the market news service in April of each year that a term of office for a Commissioner expires or is vacated with a deadline for selecting three of those nominated for the final runoff election. The names of the three persons receiving the greatest number of votes shall be published in the market news service which is published in May.

Ballots for voting for the Commission member shall be published in the market news service in June with a July 1st deadline for mailing the ballots.

2. The ballots shall be counted by the president of the State Board of Agriculture or ~~his~~ designee selected from the Oklahoma sheep and wool producers industry and the chairman of the Commission or ~~his~~ designee selected from the ~~Oklahoma Sheep and Wool~~ Commission. The Commission shall promulgate rules ~~and regulations~~ for determining the outcome of a tie vote in the election.

~~2.~~ 3. Nominations for the District members of the Commission shall be made only from sheep and wool producers in that District. Nominations for the members of the Commission to be elected at large shall be made from sheep and wool producers statewide.

SECTION 64. AMENDATORY 2 O.S. 1991, Section 1506, is amended to read as follows:

Section 1506. A member of the Sheep and Wool Utilization, Research and Market Development Commission shall be removable by a two-thirds (2/3) vote of the other members of the Commission for cause. A member ceasing to be a resident of the state, ceasing to live in the district from which ~~he~~ the member was elected, or ceasing to be actually engaged in producing sheep or wool in the state shall be deemed sufficient cause for removal from office.

SECTION 65. AMENDATORY 2 O.S. 1991, Section 1507, is amended to read as follows:

Section 1507. At the first meeting of the Sheep and Wool Utilization, Research and Market Development Commission, ~~it~~ the

Commission shall elect a ~~chairman~~ chair, ~~vice chairman~~ vice-chair, secretary and treasurer from among ~~its members~~ the membership, and thereafter at the first meeting of each fiscal year. The Commission shall meet at least once every three (3) months and at such other times as called by the ~~chairman~~ chair or by a majority of the Commission.

SECTION 66. AMENDATORY 2 O.S. 1991, Section 1508, is amended to read as follows:

Section 1508. The Sheep and Wool Utilization, Research and Market Development Commission shall have the power to:

1. Make such reasonable expenditures of funds as is necessary to carry out the provisions of ~~this act~~ the Oklahoma Sheep and Wool Producers Act;
2. Devise, adopt and conduct a program of education and publicity;
3. Cooperate with local, state or national organizations, whether public or private, in carrying out the purposes of ~~this act~~ the Oklahoma Sheep and Wool Producers Act, and to enter into such contracts as may be necessary; ~~provided, however, no.~~ No Commission funds shall be used, directly or indirectly, or as a result of contract or agreement with other persons or organizations, in supporting or opposing political candidates, political officeholders, and legislation, either state or national;
4. ~~Adopt~~ Promulgate such rules and ~~regulations~~ as are necessary to promptly and effectively administer the provisions of ~~this act~~ the Oklahoma Sheep and Wool Producers Act;
5. Conduct, in addition to the things enumerated, any other program for the utilization, research and market development of sheep and wool produced in the State of Oklahoma;
6. Call and conduct such meetings and elections as may be necessary in carrying out the provisions of ~~this act~~ the Oklahoma Sheep and Wool Producers Act; and

7. Employ an executive secretary and such other personnel as necessary, and to prescribe their duties and fix their compensation.

SECTION 67. AMENDATORY 2 O.S. 1991, Section 1508.1, as amended by Section 1, Chapter 87, O.S.L. 1995 (2 O.S. Supp. 2000, Section 1508.1), is amended to read as follows:

Section 1508.1 The Sheep and Wool Utilization, Research and Market Development Commission shall cause the ballots and other information required pursuant to the provisions of ~~Section 1505 of this title~~ the Oklahoma Sheep and Wool Producers Act to be published in a market news service available to Oklahoma sheep and wool producers for those persons in the sheep and wool industry. Voting shall be conducted pursuant to rules promulgated by the Sheep and Wool Utilization, Research and Market Development Commission ~~Rules~~.

SECTION 68. AMENDATORY 2 O.S. 1991, Section 1509, is amended to read as follows:

Section 1509. A. There is hereby assessed a fee of fifteen cents (\$0.15) per head on all sheep produced or sold in the State of Oklahoma and a fee of one cent (\$0.01) per pound on all wool produced or sold in the State of Oklahoma. Such fees are assessed and imposed on the producer at the time of his initial sale through an auction or to a dealer.

B. If the dealer is the first purchaser, such dealer shall remit the applicable fee or fees to the Commission. In the case of wool gathered or held at a common point, cooperative or wool pool for later sale, the applicable fee or fees shall be remitted to the Sheep and Wool Utilization, Research and Market Development Commission at the time of the final settlement with the producer or producers thereof.

C. In any event, it is the duty of the first purchaser to remit such fee or fees to the Commission. No sheep or wool shall be subject to the applicable fee more than once.

SECTION 69. AMENDATORY 2 O.S. 1991, Section 1510, is amended to read as follows:

Section 1510. A. Producers may petition at any time for a referendum to determine if the assessments levied by ~~this act~~ the Oklahoma Sheep and Wool Producers Act are to ~~be continued~~ continue. The President of the State Board of Agriculture shall call and conduct a referendum if ~~said~~ the petitions bear signatures of ten percent (10%) of the sheep and wool producers ~~as defined herein~~.

B. No more than one such referendum shall be conducted in any one thirty-six-month period. The State Board of Agriculture shall determine if the petition bears the required number of valid signatures.

C. The President shall announce the referendum at least thirty (30) days prior to the day of voting. At least thirty (30) days before the referendum the President shall mail a notice of said referendum to all known sheep and wool producers in the State of Oklahoma who market sheep or wool. The notice shall specify the dates, times and places for holding the referendum and shall include a sample ballot with the following wording:

DO YOU FAVOR A CONTINUATION OF THE FIFTEEN CENT (\$0.15)
ASSESSMENT PER HEAD ON SHEEP MARKETED IN OKLAHOMA AND THE ONE
CENT (\$0.01) ASSESSMENT PER POUND ON WOOL MARKETED IN OKLAHOMA
FOR UTILIZATION, RESEARCH AND MARKET DEVELOPMENT?

YES _____ NO _____

D. Places within each county for conducting such referendum shall be designated by the Cooperative Extension Service of Oklahoma State University, ~~and voting.~~ Voting in each county shall be supervised by the county extension director or person designated by the Cooperative Extension Service ~~where~~ if there is no county extension director in a county at the time of the referendum.

E. The Sheep and Wool Utilization, Research and Market Development Commission shall ensure sufficient ballots and supplies necessary for the conduct of the voting and tabulation of returns.

F. Certified results of the referendum in each county shall be transmitted within twenty-four (24) hours after voting ends to the President of the State Board of Agriculture and the ballots themselves shall be transmitted to the President within forty-eight (48) hours.

G. Ballots shall be preserved by the President for a period of at least three (3) months.

H. The results of the referendum shall be determined by the President and certified to the Governor, who shall issue a proclamation declaring the results.

I. The Commission shall bear expenses of advertising and conducting the referendum.

J. Whenever the question of levying the assessments is disapproved, by failure of sixty percent (60%) of the producers voting in the referendum to favor continuation of the assessments, the proclamation declaring the result shall provide for the termination of the assessments on April 30 following the date of such referendum.

K. Thirty (30) days after termination of the assessments, all remaining funds of the Commission shall be transferred to the Experiment Stations of Oklahoma State University to be used for continued research on sheep and wool.

SECTION 70. AMENDATORY 2 O.S. 1991, Section 1511, is amended to read as follows:

Section 1511. A. A purchaser shall render and have on file a report with the Sheep and Wool Utilization, Research and Market Development Commission by the fifteenth day of each calendar quarter following any calendar quarter in which such purchaser has purchased five hundred (500) or more sheep for slaughter, or in which such

purchaser has purchased five thousand (5,000) pounds of wool for processing. If less than five hundred (500) sheep or less than five thousand (5,000) pounds of wool have been purchased in any calendar quarter, the applicable fee may be reported and remitted with the following quarter's return except that all fees collected must be remitted at least once every six (6) months.

B. In case any person, business or entity, public or private, subject to the fee ~~or fees hereunder~~, fails to make a report and remittance when and as ~~herein~~ required, the Sheep and Wool Utilization, Research and Market Development Commission shall determine the amount of such fee according to its best information and judgment, which amount so fixed shall be prima facie correct. ~~Such~~ A person ~~so~~ having failed to make ~~such~~ the report shall, within ten (10) days after notice of the amount of the fee ~~so~~ fixed and computed by the Commission is mailed to ~~such~~ the person, pay such fee, together with a penalty of five percent (5%) of the amount of the fee. ~~Such~~ The person may dispute the fee as fixed by the Commission ~~and~~. The person may request it the Commission to hold a hearing to determine the amount of the fee and penalty to be imposed. No payment shall be made until the Commission enters its order determining the amount of ~~such~~ the payment, ~~but~~. If and when the Commission determines the amount of the payment, such payment shall be paid within ten (10) days of notice of such the payment decision.

SECTION 71. AMENDATORY 2 O.S. 1991, Section 1512, is amended to read as follows:

Section 1512. A. The ~~chairman~~ chair of the Sheep and Wool Utilization, Research and Market Development Commission shall make an annual report to the Governor, within thirty (30) days after January 1 of each year, showing in detail all income and expenditures and any other facts relevant to ~~this act~~ the Oklahoma Sheep and Wool Producers Act. ~~Such~~ The annual report shall include

a list of all officers and employees of the Commission and shall indicate the official positions of such officers and employees and their salaries ~~paid thereto~~. ~~Such~~ The report shall be available to the public.

B. All records of the Commission shall be kept at least three (3) years.

C. The Commission shall submit a report of its income, expenditures and a brief survey of its work annually to the ~~Chairman~~ Chairs of the Agriculture Committees of the House of Representatives and Senate of the State Legislature.

SECTION 72. AMENDATORY 2 O.S. 1991, Section 1513, is amended to read as follows:

Section 1513. A. Any sheep or wool producer who is assessed the fee or fees authorized by ~~Section 1509 of this title~~ the Oklahoma Sheep and Wool Producers Act and objects to the collection of such fee ~~or fees~~ may, within sixty (60) days following such collection, make application to the Sheep and Wool Utilization, Research and Market Development Commission for a refund of such fee or fees. Upon receipt of such application by the Commission such refund shall be made within one hundred twenty (120) days. Application forms for refund purposes shall be furnished by the Commission and shall be made available at all places where the ~~fee~~ ~~or~~ fees provided in the Oklahoma Sheep and Wool Producers Act are required to be collected.

B. The availability of a refund and instructions describing the process of obtaining a refund shall be posted in a conspicuous public location at all places where the fees are required to be collected.

SECTION 73. AMENDATORY 2 O.S. 1991, Section 1514, as amended by Section 1, Chapter 173, O.S.L. 2000 (2 O.S. Supp. 2000, Section 1514), is amended to read as follows:

Section 1514. A. The Sheep and Wool Utilization Research and Market Development Commission shall file with the Director of the Market Development Division of the State Department of Agriculture a proposed budget and may expend funds only after the division director has approved the budget.

B. If after thorough review the division director disapproves the proposed budget, the proposed budget shall be returned to the Commission not later than forty-five (45) days after the date on which the proposed budget is submitted with a statement of reasons for disapproval.

~~B.~~ C. Within thirty (30) days following the end of each fiscal year of the Commission, the Commission shall submit to the Director of the Market Development Division of the State Department of Agriculture a report itemizing all income and expenditures and describing all activities of the Commission during the previous fiscal year.

~~C.~~ D. No general revenue funds shall be appropriated to carry out the provisions of the Oklahoma Sheep and Wool Producers Act. Funds collected by the Commission shall not be subject to state budget and expenditure limitations. Such funds shall at no time become monies of the state or become part of the general budget of the state. Debts or obligations of the Commission shall not be construed to be debts or obligations of this state.

~~D.~~ E. The books, records and accounts of the Commission, in respect to the funds allocated to ~~it~~ the Commission under the provisions of the Oklahoma Sheep and Wool Producers Act, shall be audited annually by the State Auditor and Inspector, with the cost of the respective audits to be paid from the funds of the Commission.

SECTION 74. AMENDATORY 2 O.S. 1991, Section 1515, is amended to read as follows:

Section 1515. The Sheep and Wool Utilization, Research and Market Development Commission may cooperate with and enter into contracts with proper local, state or national organizations, public or private, in carrying out the purposes of ~~this act~~ the Oklahoma Sheep and Wool Producers Act.

SECTION 75. AMENDATORY 2 O.S. 1991, Section 1516, is amended to read as follows:

Section 1516. The Attorney General may bring action in the district court of Oklahoma County to recover all fees and penalties due the Sheep and Wool Utilization, Research and Market Development Commission for failure of any person to comply with the provisions of ~~this act~~ the Oklahoma Sheep and Wool Producers Act. Any person violating any of the provisions of ~~this act~~ the Oklahoma Sheep and Wool Producers Act upon conviction thereof shall be guilty of a misdemeanor.

SECTION 76. AMENDATORY 2 O.S. 1991, Section 1601, is amended to read as follows:

Section 1601. A. It shall be unlawful to operate any trailer, not otherwise required to be licensed by law, which is used for the hauling of ~~cattle, horses, sheep or hogs~~ livestock upon the roads or highways of the State of Oklahoma unless that trailer bears an identifying number.

B. Trailers owned by individual persons shall be identified with the ~~driver's~~ driver license number of the owner; ~~provided that,~~ trailers. Trailers owned by corporations, partnerships, and other associations or owned by a person who has no ~~driver's~~ driver license shall be identified with numbers as designated by ~~regulation by~~ rules of the State Board of Agriculture with ~~the advice of~~ from the Oklahoma Department of Public Safety.

C. The identifying number shall be in Arabic numerals in a contrasting color of not less than two (2) inches high painted or otherwise affixed to the rear of the trailer so ~~as to be~~ it is

clearly visible from the rear at all times and in ~~such~~ a manner as to reasonably assure against ~~its~~ alteration or destruction.

D. The State Board of Agriculture may ~~issue regulations, not inconsistent with this act~~ promulgate rules, and with the advice of the Oklahoma Department of Public Safety, ~~further directing~~ direct the affixing of identifying numbers to livestock trailers.

E. It shall be unlawful to alter a livestock trailer identifying number other than to comply with this ~~act~~ subarticle or ~~regulations~~ rules issued pursuant ~~thereto~~ to this subarticle.

F. No fee shall be charged for the issuance of any trailer identification number required by this ~~act~~ subarticle.

SECTION 77. AMENDATORY 2 O.S. 1991, Section 1602, is amended to read as follows:

Section 1602. Any person who violates the provisions of Section 6-303 of this act title by failing to properly display the proper number shall be guilty of a misdemeanor and upon conviction thereof subject to a fine not to exceed Ten Dollars (\$10.00). Any person who alters a vehicle identifying number in violation of Section 6-303 of this act title, or ~~regulations~~ rules issued pursuant ~~thereto~~ to Section 6-303 of this title, upon conviction thereof, shall be guilty of a misdemeanor.

SECTION 78. AMENDATORY 2 O.S. 1991, Section 1603, is amended to read as follows:

Section 1603. The ~~Oklahoma~~ State Department of Agriculture is ~~hereby~~ authorized, on behalf of farmers, ranchers, and other agricultural-related parties to assist, promote, or provide services in agribusiness-related areas, rural community development, and other public service entities as funds are made available and approved by the State Board of Agriculture.

SECTION 79. AMENDATORY 2 O.S. 1991, Section 1604, is amended to read as follows:

Section 1604. The following agricultural commodity commissions shall not expend more than thirty-five percent (35%) of the funds they receive for administrative expenses: ~~Oklahoma Beef Commission;~~ Oklahoma Peanut Commission; Oklahoma Pecan Commission; ~~Oklahoma Pork Utilization, Research and Market Development Commission;~~ Oklahoma Sheep and Wool Utilization, Research and Market Development Commission; ~~Oklahoma Soybean Commission;~~ and the Oklahoma Wheat Utilization, Research and Market Development Commission.

SECTION 80. AMENDATORY 2 O.S. 1991, Section 1701, is amended to read as follows:

Section 1701. This ~~act~~ subarticle shall be known and may be cited as the Soil Amendment Act ~~of 1975~~.

SECTION 81. AMENDATORY 2 O.S. 1991, Section 1702, is amended to read as follows:

Section 1702. ~~This act~~ The Soil Amendment Act shall be administered by the State Board of Agriculture, ~~hereinafter referred to as the Board~~.

SECTION 82. AMENDATORY 2 O.S. 1991, Section 1703, is amended to read as follows:

Section 1703. As used in ~~this act, unless the context otherwise requires~~ the Soil Amendment Act:

1. ~~"Soil amendment"~~ "Active ingredient" means ~~and includes any substance which is intended to improve the ingredient or ingredients which affect the physical, chemical, or other characteristics of the soil or and improve crop production, except the following:~~ Commercial fertilizers, agricultural liming materials, agricultural gypsum, unmanipulated animal manures, unmanipulated vegetable manures and pesticides; ~~provided that, commercial fertilizer shall be included if it is represented to contain, as an active ingredient, a substance other than a recognized plant food element or is represented as promoting plant growth by other than supplying a recognized plant food element~~ soil condition;

2. ~~"Name" means the specific designation under which the individual product is offered for sale~~ "Adulterated" means and shall apply to any soil amendment if:

- a. it contains any deleterious or harmful agent in sufficient amount to render it injurious to beneficial plants, animals, or aquatic life when applied in accordance with the directions for use shown on the label; or if adequate warning statements and directions for use, necessary to protect plants, animals, or aquatic life are not shown on the label,
- b. its composition falls below purported labeling requirements, or
- c. it contains noxious weed seed;

3. "Bulk" means in nonpackaged form;

4. "Distribute" means to import, consign, offer for sale, sell, barter, or to ~~otherwise~~ supply soil amendments to any person in this state;

5. "Distributor" means ~~and includes~~ any person who imports, consigns, sells, offers for sale, barter or ~~otherwise~~ supplies soil amendments in this state;

6. ~~"Manufacturer" means any person who produces, compounds, mixes or blends soil amendments~~ "Inert ingredient" means the ingredients with no beneficial effect that are present in the product;

7. "Label" means the display of written, printed, or graphic matter upon the immediate container of a soil amendment;

8. "Labeling" means all written, printed, or graphic matter upon or accompanying any soil amendment, and all advertisements, brochures, posters, television, or radio announcements used in promoting the sale of ~~such a~~ soil amendment;

9. ~~"Board" means the State Board of Agriculture of the State Department of Agriculture of the State of Oklahoma~~ "Manufacturer"

means any person who produces, compounds, mixes, or blends soil amendments;

10. ~~"Active ingredient" means the ingredient or ingredients which affect the physical, chemical or other characteristics of the soil and thereby improve soil condition~~ "Misbranded" means and shall apply if:

- a. any soil amendment bears a label that is false or misleading in any particular,
- b. any soil amendment is distributed under the name of another soil amendment,
- c. any material is represented as a soil amendment or is represented as containing a soil amendment, unless the soil amendment conforms to the definition of identity, if any, prescribed by rules,
- d. the percentage of active ingredient in any soil amendment is not shown in the approved ingredient form, or
- e. the labeling on any soil amendment is false or misleading in any particular;

11. ~~"Inert ingredient" means the ingredients which do not have any beneficial effect but are present in the product~~ "Name" means the specific designation under which the individual product is offered for sale;

12. ~~"Person" means individuals, partnerships, associations and corporations;~~

~~13.~~ "Percent" or "percentage" means by weight;

~~14.~~ 13. "Registrant" means any person who registers a soil amendment under the provisions of ~~this act~~ the Soil Amendment Act;
and

~~15.~~ ~~"Misbranded" means and shall apply if:~~

- a. ~~any soil amendment bears a label that is false or misleading in any particular,~~

- ~~b. any soil amendment is distributed under the name of another soil amendment,~~
- ~~c. any material is represented as a soil amendment or is represented as containing a soil amendment, unless such soil amendment conforms to the definition of identity, if any, prescribed by regulation,~~
- ~~d. the percentage of active ingredient in any soil amendment is not shown in the approved ingredient form, or~~
- ~~e. the labeling on any soil amendment is false or misleading in any particular; and~~

~~16. "Adulterated" means and shall apply to any soil amendment if:~~

- ~~a. it contains any deleterious or harmful agent in sufficient amount to render it injurious to beneficial plants, animals or aquatic life when applied in accordance with the directions for use shown on the label; or if adequate warning statements and directions for use, which may be necessary to protect plants, animals or aquatic life are not shown on the label,~~
- ~~b. its composition falls below that which it is purported to possess by its labeling, or~~
- ~~c. it contains noxious weed seed~~

14. "Soil amendment" means any substance which is intended to improve the physical, chemical, or other characteristics of the soil or improve crop production, except the following: commercial fertilizers, agricultural liming materials, agricultural gypsum, unmanipulated animal manures, unmanipulated vegetable manures, and pesticides; provided, that commercial fertilizer shall be included if it is represented to contain, as an active ingredient, a substance other than a recognized plant food element or is

represented as promoting plant growth by other than supplying a recognized plant food element.

SECTION 83. AMENDATORY 2 O.S. 1991, Section 1704, is amended to read as follows:

Section 1704. A. Each container of a soil amendment shall be labeled on the face or display side in a readable and conspicuous form to show the following information:

1. The net weight of the contents;
2. The name of the product;
3. The guaranteed analysis, including the name and the percentage of each active ingredient, and the percentage of inert ingredients;
4. A statement as to the purpose of the product;
5. Adequate directions for use; and
6. The name and address of the registrant.

B. Bulk lots shall be labeled by attaching a copy of the label to the invoice, ~~which~~ that shall be furnished to the purchaser.

C. The State Board of Agriculture may require proof of claims made for any soil amendment. If no claims are made the Board may require proof of usefulness and value of the soil amendment. For evidence of proof the Board may rely on experimental data, evaluations, or advice supplied from ~~such~~ sources ~~as~~ including but not limited to the Director of the Agricultural Experiment Station. The experimental design shall be related to Oklahoma conditions for which the product is intended. The Board may accept or reject other sources of proof as additional evidence in evaluating soil amendments.

D. No soil amending ingredient may be listed or guaranteed on the labels or labeling of soil amendments without Board approval.

E. The Board may allow a soil amending ingredient to be listed or guaranteed on the label or labeling if satisfactory supportive data is provided the Board to substantiate the value and usefulness

of the soil amending ingredients. The Board may rely on outside sources ~~such as~~ including but not limited to the Director of the Agricultural Experiment Station for assistance in evaluating the data submitted.

F. When a soil amending ingredient is permitted to be listed or guaranteed it must be determinable by laboratory methods and is subject to inspection and analysis.

G. The Board may prescribe methods and procedures of inspection and analysis of the soil amending ingredient. The Board may stipulate, by ~~regulation~~ rule, the quantities of the soil amending ingredient or soil amending ingredients required in soil amendments.

SECTION 84. AMENDATORY 2 O.S. 1991, Section 1705, is amended to read as follows:

Section 1705. A. Each soil amendment product shall be registered with the State Board of Agriculture before it is distributed in this state. Application for registration shall be submitted to the Board, on a form prepared for that purpose, showing the information required on the label, as provided in Section 4 8-85.4 of this ~~act~~ title, except net weight of product.

B. The registration fee shall be Twenty-five Dollars (\$25.00) for each product.

C. All registrations shall expire on December 31 of the year for which ~~such~~ the soil amendment product is registered.

D. The applicant shall submit with the application for registration a copy of the label and a copy of all advertisements, brochures, posters, and television and radio announcements to be used in promoting the sale of the soil amendment.

SECTION 85. AMENDATORY 2 O.S. 1991, Section 1706, is amended to read as follows:

Section 1706. A. The registrant shall pay to the State Board of Agriculture an inspection fee of thirty-five cents (\$0.35) per ton on all products registered and sold in this state. Each

registrant shall keep adequate records of ~~his~~ their sales, and shall file with the Board, on a semiannual basis, a signed report of the tonnage distributed by county during the preceding six-month periods beginning July 1 to and including December 31, and January 1 to and including June 30. The report and payment of the inspection fee shall be due within thirty (30) days from the date of the close of each period. Soil amendments registered under ~~this act~~ the Soil Amendment Act shall be exempt from the inspection fees required for commercial fertilizers.

B. If the report is not filed, or the report is false in any respect, or the inspection fee is not paid within the thirty-day period, the Board may revoke the registration. A penalty of One Dollar (\$1.00) per day is assessed for each day the payment is overdue until paid. The inspection fee and the penalty shall constitute a debt and become the basis for a judgment against the registrant ~~which~~ that may be collected by the Board in any court of competent jurisdiction without prior demand.

SECTION 86. AMENDATORY 2 O.S. 1991, Section 1707, is amended to read as follows:

Section 1707. The State Board of Agriculture may issue and enforce a written or printed stop sale, stop use, or removal order to the owner or custodian of any lot of soil amendment, and ~~to~~ shall hold such lot of soil amendment at a designated place when the Board finds ~~said~~ a soil amendment is being offered or exposed for sale ~~which~~ that is not registered, is not labeled, is misbranded, or is adulterated, until ~~such~~ the time ~~as~~ when the product or labeling complies with this act. The soil amendment may then be released in writing by the Board.

SECTION 87. AMENDATORY 2 O.S. 1991, Section 1708, is amended to read as follows:

Section 1708. It shall be a violation of ~~this act~~ the Soil Amendment Act for any person:

1. To distribute a soil amendment that is not registered with the State Board of Agriculture;
2. To distribute a soil amendment that is not labeled;
3. To distribute a soil amendment that is misbranded;
4. To distribute a soil amendment that is adulterated;
5. To fail to comply with a stop sale, stop use, or removal order; or
6. To fail to pay the inspection fee.

SECTION 88. AMENDATORY 2 O.S. 1991, Section 1709, is amended to read as follows:

Section 1709. A. ~~The authorized agents of the~~ State Board of Agriculture may inspect, sample, analyze, and test soil amendments distributed in this state at any time and place, and to ~~such the~~ such the extent ~~as may be deemed~~ necessary to determine whether ~~such the~~ such the soil amendments are in compliance with ~~this act~~ the Soil Amendment Act.

B. The Board and its employees or agents are authorized to enter upon public or private property during regular working hours ~~in order to have access to~~ soil amendments for the purpose of administering ~~this act~~ the Soil Amendment Act.

SECTION 89. AMENDATORY 2 O.S. 1991, Section 1710, is amended to read as follows:

Section 1710. The State Board ~~is authorized to adopt such of~~ Agriculture shall promulgate rules ~~and regulations as may be~~ necessary to administer ~~this act~~ the Soil Amendment Act, including methods of sampling, methods of analysis, designation of ingredient forms, and promulgate definitions of identity of products.

SECTION 90. AMENDATORY 2 O.S. 1991, Section 1711, is amended to read as follows:

Section 1711. The State Board of Agriculture shall refuse to register any product that does not comply with ~~this act~~ the Soil Amendment Act and ~~the rules and regulations~~ promulgated ~~under this act~~ thereto. The Board ~~is also authorized and empowered to~~ may

revoke any registration upon satisfactory evidence that the registrant or any of ~~his~~ its agents ~~has~~ used fraudulent or deceptive practices ~~except that.~~ A registration shall not be revoked by the Board until the registrant has been given an opportunity for a hearing before the Board or its duly authorized agent in compliance with the provisions of Article II of the Administrative Procedures Act.

SECTION 91. AMENDATORY 2 O.S. 1991, Section 1713, is amended to read as follows:

Section 1713. The State Board of Agriculture shall remit at least monthly all monies received ~~by or for it under this act pursuant to the Soil Amendment Act~~ to the State Treasurer ~~at least monthly~~. Upon receipt of ~~any such remittance~~ the monies the State Treasurer shall deposit the entire amount ~~thereof~~ in the State Treasury and ~~the same shall be credited~~ credit the monies to an appropriate State Department of Agriculture Fund.

SECTION 92. AMENDATORY Section 2, Chapter 265, O.S.L. 2000 (2 O.S. Supp. 2000, Section 1715), is amended to read as follows:

Section 1715. A. Except for necessary repairs to anhydrous ammonia equipment conducted by a registered distributor, supplier, dealer, or the owner of ~~such~~ the equipment or designee of ~~said~~ the owner, it ~~is~~ shall be unlawful for any person to tamper with or attempt to tamper with any anhydrous ammonia equipment, container, or storage device. Any person violating this provision shall, upon conviction thereof, be guilty of a felony punishable by imprisonment in the State Penitentiary for a term not exceeding five (5) years, ~~or~~ by a fine of not more than Five Thousand Dollars (\$5,000.00), or ~~by~~ both such fine and imprisonment.

B. "Tampering" for purposes of this section means any unauthorized adjustment, opening, removal, transfer, alteration,

change, or interference with any part of the anhydrous ammonia equipment, container, or storage device.

~~B.~~ C. Theft of any amount of anhydrous ammonia ~~is~~ shall be a felony punishable upon conviction thereof by imprisonment for not less than two (2) years nor more than ten (10) years in the State Penitentiary, ~~or~~ by a fine not exceeding Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

~~C.~~ D. Any person who commits or attempts theft of anhydrous ammonia or who unlawfully tampers with or attempts to unlawfully tamper with any anhydrous ammonia equipment, container, or storage device, and as a result of ~~such~~ unlawful conduct is injured shall be barred from commencing any civil action against the following persons:

1. Any owners of anhydrous ammonia or anhydrous ammonia equipment, containers, or storage devices;
2. Any persons responsible for the installation, repair, or operation of anhydrous ammonia equipment, containers, or storage devices;
3. Any person lawfully selling, transporting, transferring, or delivering anhydrous ammonia or anhydrous ammonia equipment, containers, or storage devices;
4. Any persons purchasing or storing anhydrous ammonia for agricultural purposes; or
5. Any persons operating anhydrous ammonia equipment or using anhydrous ammonia for agricultural purposes.

SECTION 93. AMENDATORY Section 6, Chapter 185, O.S.L. 1996 (2 O.S. Supp. 2000, Section 1750), is amended to read as follows:

Section 1750. This ~~section and Sections 1751 through 1754 of Title 2 of the Oklahoma Statutes~~ subarticle shall be known and may be cited as the "Livestock Dealers Act".

SECTION 94. AMENDATORY 2 O.S. 1991, Section 1751, as amended by Section 7, Chapter 185, O.S.L. 1996 (2 O.S. Supp. 2000, Section 1751), is amended to read as follows:

Section 1751. ~~As~~ When used in the Livestock Dealers Act:

1. ~~"Board" means the Oklahoma Board of Agriculture;~~
2. ~~"Person" means any individual, partnership, corporation, association or other form of business enterprise;~~
3. ~~"Livestock" means cattle, sheep, swine, horses, mules and,~~
or goats;
4. 2. a. "Livestock dealer" means any person engaged in the business of buying or selling livestock in commerce; or any person registered and bonded under the provisions of the Federal Packers and Stockyards Act of 1921, as amended, who buys livestock. Any person shall be regarded as operating as a livestock dealer within the meaning of the Livestock Dealers Act, who:
 - (1) holds oneself out as an order-buyer, livestock dealer, or livestock agent, or
 - (2) offers or undertakes, by name, any means or methods to purchase livestock for another for a fee or commission or.
- b. The term livestock dealer shall not include:
 - (1) a person who buys or sells livestock as part of ~~such~~ the person's own bona fide breeding, feeding, or dairy, or beef operations,
 - (2) a person who receives livestock exclusively for immediate slaughter on ~~such~~ the person's own premises, or
 - (3) a farmer or rancher who buys livestock in the ordinary course of ~~such farmer's or rancher's~~ the farming or ranching operation unless ~~such~~ the

farmer or rancher is registered and bonded under the Federal Packers and Stockyards Act of 1921, as amended; and

~~5.~~ 3. "Livestock special sale" means any public or private sale of livestock by public auction except livestock sales conducted under the provisions of Sections ~~9-131~~ 9-130 through ~~9-137~~ 9-139 of this title and farm auctions, ~~and~~

~~6.~~ "~~Department~~" ~~means the State Department of Agriculture.~~

SECTION 95. AMENDATORY 2 O.S. 1991, Section 1752, as amended by Section 8, Chapter 185, O.S.L. 1996 (2 O.S. Supp. 2000, Section 1752), is amended to read as follows:

Section 1752. A. Every livestock dealer shall maintain written records as required by the Federal Packers and Stockyards Act of 1921, as amended, and any other written records ~~which~~ that are necessary and adequate to determine the sources and disposition of livestock that are, or have been, in ~~said~~ the dealer's possession within the previous twenty-four (24) months.

B. The State Board of Agriculture ~~and its authorized agents~~ shall have access to examine the records of all livestock dealers within reasonable working hours.

C. Any holder of a license or permit issued pursuant to the Livestock Dealers Act shall be deemed to have given consent to any authorized officer, employee, or agent of the State Department of Agriculture to enter and inspect a livestock facility or examine the records of a livestock dealer in accordance with the provisions of the Livestock Dealers Act. Refusal to permit entry or inspection, except for good cause, shall constitute grounds for denial, suspension, nonrenewal, or revocation of a license as provided in the provisions of the Livestock Dealers Act.

D. 1. Each livestock dealer shall be licensed by the ~~State Department of Agriculture~~. The Department shall require each applicant for licensure to provide proof of a bond or other

financial instrument as required by the Federal Packers and Stockyards Act of 1921, as amended. No bond shall be less than Ten Thousand Dollars (\$10,000.00). It shall be a violation of the Livestock Dealers Act for anyone to act as a livestock dealer without a valid livestock dealer license.

2. Livestock purchased by any packer, market agency, or dealer shall be paid for in accordance with Section ~~409.24~~ 409 of the Federal Packers and Stockyards Act of 1921, as amended.

SECTION 96. AMENDATORY 2 O.S. 1991, Section 1753, as amended by Section 9, Chapter 185, O.S.L. 1996 (2 O.S. Supp. 2000, Section 1753), is amended to read as follows:

Section 1753. A. The State Board of Agriculture shall have authority to promulgate all necessary rules for the implementation of the Livestock Dealers Act.

B. The State Department of Agriculture shall have the power and duty to:

1. Issue, renew, suspend, revoke, modify, or deny licenses to livestock dealers pursuant to the Livestock Dealers Act;

2. Issue, renew, suspend, revoke, modify, or deny a permit to conduct a livestock special sale;

3. Enter upon public and private property for the purpose of making inspections required by the Livestock Dealers Act;

4. Enforce the standards and rules promulgated by the Board pursuant to the Livestock Dealers Act;

5. Investigate complaints and hold hearings;

6. Initiate proceedings, request prosecution of, and initiate injunctive proceedings against any person who violates any of the provisions of the Livestock Dealers Act or any rule promulgated pursuant to the Livestock Dealers Act;

7. Establish and assess administrative penalties against any person who violates any of the provisions of the Livestock Dealers

Act or any rule promulgated pursuant ~~to the Livestock Dealers Act~~
thereto;

8. Establish the term and fee for licenses; and

9. Exercise all incidental powers as necessary and proper to implement and enforce the provisions of the Livestock Dealers Act and the rules of the Board promulgated pursuant thereto.

SECTION 97. AMENDATORY Section 10, Chapter 185, O.S.L. 1996 (2 O.S. Supp. 2000, Section 1753.1), is amended to read as follows:

Section 1753.1 A. 1. Whenever the State Department of Agriculture determines there are reasonable grounds to believe that there has been a violation of any of the provisions of the Livestock Dealers Act or of any rules promulgated thereto or any order of the Department, ~~it~~ the Department shall give written notice to the alleged violator specifying the cause of complaint.

2. ~~Such~~ The notice shall require that the matters ~~complained of~~ specified be corrected or that the alleged violator appear before the Department at a time and place determined by the Department and answer the charges.

3. The notice shall be delivered to the alleged violator in accordance with the provisions of subsection D of this section not less than twenty (20) days before the time set for the hearing.

B. 1. The Department shall afford the alleged violator an opportunity for a fair hearing in accordance with the provisions of Article II of the Administrative Procedures Act. On the basis of the evidence produced at the hearing, the Department shall make findings of fact and conclusions of law and enter an order ~~thereon~~. The Department shall give written notice of ~~such~~ the order to the alleged violator and to ~~such any other persons as shall have appeared~~ person at the hearing ~~and that~~ and that made a written request for notice of the order.

2. Recommendations for findings of fact and conclusions of law shall be transmitted by the hearing officer to the State Board of Agriculture which shall ~~thereupon~~ enter its order. The Board may, ~~in its discretion,~~ enter its order on the basis of ~~such~~ the record or, before issuing its order, require additional hearings or further evidence to be presented.

3. The order of the Board shall become final and binding on all parties unless appealed to the district court as provided in Article II of the Administrative Procedures Act.

C. 1. Whenever the Department finds that an emergency exists requiring immediate action to protect the public health or welfare, ~~it~~ the Department may without notice or hearing issue an order reciting the existence of ~~such an~~ the emergency and requiring that ~~such action~~ actions be taken as ~~it deems~~ necessary to meet the emergency. ~~Such~~ The order shall be effective immediately.

2. Any person to whom ~~such~~ an emergency order is directed shall comply ~~therewith~~ immediately but on application to the Board shall be afforded a hearing within ten (10) days.

3. On the basis of ~~such~~ the hearing, the Board shall continue ~~such the~~ order in effect, revoke it, or modify it. Any person aggrieved by ~~such an~~ order may appeal to the district court ~~of~~ located in the affected area ~~affected~~ within thirty (30) days. The appeal when docketed shall have priority over all pending cases ~~pending~~ on ~~said~~ the docket, except criminal.

D. 1. Except as ~~otherwise~~ expressly provided by law, any notice, order, or other instrument issued by or under authority of the Board shall be served on any person pursuant to the provisions of Section 2005 of Title 12 of the Oklahoma Statutes.

2. Proof of ~~such~~ service shall be made ~~as in case of~~ accordance with service of a summons or by publication in a civil action, ~~such~~ the proof to be filed ~~in the office of~~ by the Department; or ~~such~~ the service may be made by mailing a copy of the notice, order, or

other instrument by ~~registered~~ certified mail directed to the person affected at ~~such~~ the person's last-known post office address as shown by the files or records of the Department, and proof ~~thereof~~ may be made by the affidavit of the person who did the mailing, and filed ~~in the office of~~ by the Department.

E. Every certificate or affidavit of service made and filed as provided for in this section shall be prima facie evidence of the facts ~~therein~~ stated, and a certified copy ~~thereof~~ shall have like force and effect.

F. The hearings as provided for in this section may be conducted by the Board ~~itself~~ at a regular or special meeting of the Board, or the Board may designate hearing officers who shall have the power and authority to conduct ~~such~~ hearings in the name of the Board at any time and place. Such hearings shall be conducted in conformity with and records made ~~thereof~~ as provided in the Administrative Procedures Act.

SECTION 98. AMENDATORY Section 11, Chapter 185, O.S.L. 1996 (2 O.S. Supp. 2000, Section 1753.2), is amended to read as follows:

Section 1753.2 The State Department of Agriculture may ~~request the Attorney General to~~ bring an action in a court of competent jurisdiction for equitable relief to redress or restrain a violation by any person of a provision of the Livestock Dealers Act, or a rule or order issued pursuant to the provisions of the Livestock Dealers Act. ~~Said~~ The court has jurisdiction to determine ~~said~~ the course of action, and to grant the necessary or appropriate relief including, but not limited to, mandatory or prohibitive injunctive relief or other interim equitable relief.

SECTION 99. AMENDATORY 2 O.S. 1991, Section 1754, as amended by Section 12, Chapter 185, O.S.L. 1996 (2 O.S. Supp. 2000, Section 1754), is amended to read as follows:

Section 1754. A. It shall be a ~~misdemeanor~~ violation for any person to:

1. Operate as a livestock dealer without a valid livestock dealer license;

2. Conduct a livestock special sale without a valid permit issued by the State Board of Agriculture for the time and place of the sale; ~~and~~ or

3. ~~Otherwise violate~~ Violate the Livestock Dealers Act or any rule or order issued pursuant to the Livestock Dealers Act.

B. It shall be a ~~misdemeanor~~ violation for any livestock dealer to fail to provide the Board with adequate records and other information to trace the origin of livestock in each consignment delivered to the livestock auction market, a livestock special sale, or a person.

C. After a hearing in accordance with the Administrative Procedures Act, the ~~State Board of Agriculture~~ has the authority to impose a an administrative fine ~~not to exceed One Hundred Dollars (\$100.00) for the first offense, Two Hundred Fifty Dollars (\$250.00) for the second offense and Five Hundred Dollars (\$500.00) for each succeeding offense on every~~ any person ~~operating or conducting a livestock auction market~~ violating the Livestock Dealers Act.

D. Any person engaging in business as a livestock dealer after the license of ~~such~~ the person has been revoked, suspended, or nonrenewed, or at any time ~~such~~ the person has violated the provisions of the Livestock Dealers Act or any rule or order issued pursuant thereto, upon conviction thereof, shall be guilty of a misdemeanor and shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not exceeding Five Thousand Dollars (\$5,000.00), ~~or by~~ imprisonment in the county jail not less than thirty (30) days nor exceeding one (1) year, or by both such fine and imprisonment. Each day of ~~such~~ the violation shall be a separate offense.

SECTION 100. AMENDATORY 2 O.S. 1991, Section 1761, as amended by Section 1, Chapter 367, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1761), is amended to read as follows:

Section 1761. A. Sections ~~1761 5-81~~ through ~~1769 5-89~~ of this title shall be known and ~~may be~~ cited as the "Oklahoma Agricultural Linked Deposit Program".

B. It is the purpose of the Oklahoma Agricultural Linked Deposit Program to provide funding for eligible agricultural businesses. It is the specific intent of the Legislature that any funding provided to eligible agricultural businesses for alternative agricultural products shall diversify Oklahoma's agricultural industry so as to broaden Oklahoma's economic base.

SECTION 101. AMENDATORY 2 O.S. 1991, Section 1762, as amended by Section 2, Chapter 367, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1762), is amended to read as follows:

Section 1762. As used in the Oklahoma Agricultural Linked Deposit Program:

1. ~~"Eligible agricultural business" means any individual, partnership, co-operative, domestic limited liability company, or agricultural domestic corporation engaged in producing, processing or marketing alternative agricultural products or an at-risk farm or ranch business, within the State of Oklahoma in operation which has developed a management plan through the Intensive Financial Management and Planning Support (IFMAPS) program of the Cooperative Extension Service of Oklahoma State University or the Farm Business Management Program of the State Department of Vocational and Technical Education;~~

2. ~~"Eligible lending institution" means a financial institution that agrees to participate in the Oklahoma Agricultural Linked Deposit Program, and:~~

a. ~~eligible to be a depository of state funds, or~~

~~b. is an institution of the farm credit system organized under the federal "Farm Credit Act of 1971", 12 U.S.C. 2001, as amended;~~

~~3.~~ "Agricultural domestic corporation" means any domestic corporation formed or licensed pursuant to the Oklahoma General Corporation Act or a limited domestic liability company formed or licensed pursuant to the Oklahoma Limited Liability Company Act and meeting the requirements of paragraph 5 of subsection A of Section 955 of Title 18 of the Oklahoma Statutes and meeting the requirements of subsection A of Section 951 of Title 18 of the Oklahoma Statutes;

~~4.~~ 2. "Agricultural linked deposit" means a certificate of deposit placed by the State Treasurer with an eligible lending institution or an investment in bonds, notes, debentures, or other obligations or securities issued by the federal farm credit bank with regard to an eligible lending institution for the purpose of carrying out the intent of this ~~act~~ program;

~~5.~~ 3. "Agricultural Linked Deposit Loan Package" means the forms provided by the State Treasurer for the purpose of applying for an agricultural linked deposit;

4. "Alternative agricultural products" means those products included in a report submitted by the Cooperative Extension Service of Oklahoma State University to the State Department of Agriculture, and any other products which the State Board of Agriculture determines will diversify Oklahoma's agricultural industry so as to broaden Oklahoma's economic base;

~~6.~~ 5. "An at-risk farm or ranch business" shall be one ~~which~~ that seeks a production loan and meets the following criteria:

- a. at least sixty percent (60%) of gross income derived from farming and/or ranching, and
- b. a debt-to-asset ratio over forty percent (40%);

6. "Eligible agricultural business" means any person engaged in producing, processing, or marketing alternative agricultural products or an at-risk farm or ranch business, within the State of Oklahoma in operation that has developed a management plan through the Intensive Financial Management and Planning Support (IFMAPS) program of the Cooperative Extension Service of Oklahoma State University or the Farm Business Management Program of the State Department of Vocational and Technical Education; and

7. ~~"Agricultural Linked Deposit Loan Package" means the forms provided by the State Treasurer for the purpose of applying for an agricultural linked deposit;~~

8. ~~"Board" means the State Board of Agriculture; and~~

9. ~~"Department" means the State Board of Agriculture or the State Department of Agriculture~~ "Eligible lending institution" means a financial institution that agrees to participate in the Oklahoma Agricultural Linked Deposit Program, and:

- a. is eligible to be a depository of state funds, or
- b. is an institution of the farm credit system organized under the federal "Farm Credit Act of 1971", 12 U.S.C. 2001, as amended.

SECTION 102. AMENDATORY 2 O.S. 1991, Section 1763, is amended to read as follows:

Section 1763. A. The Director of the Cooperative Extension Service shall submit to the State Department of Agriculture a report on which products will diversify Oklahoma's agriculture industry on or before January 1 of each year.

B. Alternative agricultural products under ~~this act~~ the Oklahoma Agricultural Linked Deposit Program shall be determined by the State Board of Agriculture, and shall include, but ~~may~~ not be limited to, the products listed in a report submitted by the Director of the Cooperative Extension Service to the State Board of Agriculture on January 1 of each year. The Board shall hold

necessary hearings to gain input from the agricultural community to determine if a product which is not included in the report from the Cooperative Extension Service will qualify as an alternative agricultural product.

SECTION 103. AMENDATORY 2 O.S. 1991, Section 1765, is amended to read as follows:

Section 1765. A. The State Treasurer is ~~hereby~~ authorized to administer the Oklahoma Agricultural Linked Deposit Program. The State Treasurer is further authorized to issue guidelines in a manner similar to Article I of the Administrative Procedures Act, ~~Section 301 et seq. of Title 75 of the Oklahoma Statutes.~~

B. The State Treasurer shall submit an annual report outlining the status of the Oklahoma Agricultural Linked Deposit Program to the Governor, the Lieutenant Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives.

SECTION 104. AMENDATORY 2 O.S. 1991, Section 1766, as last amended by Section 1, Chapter 88, O.S.L. 1995 (2 O.S. Supp. 2000, Section 1766), is amended to read as follows:

Section 1766. A. The State Treasurer is ~~hereby~~ authorized to disseminate information and ~~to~~ provide agricultural linked deposit loan packages to the lending institutions eligible for participation in the Oklahoma Agricultural Linked Deposit Program.

B. The agricultural linked deposit loan package shall be completed by the borrower before being forwarded to the lending institution for consideration. Any technical assistance in completing the agricultural loan package shall be provided by the State Department of Agriculture.

C. 1. An eligible lending institution that desires to receive an agricultural linked deposit shall accept and review applications for loans from eligible agricultural businesses. The lending institution shall apply all usual lending standards to determine the credit worthiness of each eligible agricultural business. No single

linked deposit for an alternative agricultural product shall exceed One Million Dollars (\$1,000,000.00). No single linked deposit for an at-risk farm or ranch operation shall exceed Three Hundred Fifty Thousand Dollars (\$350,000.00).

2. Only one linked deposit loan shall be made and be outstanding at any one time to any farmer. However, the linked deposit loan may be refinanced.

3. No loan shall be made to any officer or director of the lending institution making the loan.

D. An eligible agricultural business shall certify on its loan application that the reduced rate loan will be used exclusively for the purposes outlined in paragraph ~~4~~ 6 of Section ~~1762~~ 5-82 of this title.

E. In considering which eligible agricultural businesses to include in the agricultural linked deposit loan package for reduced rate loans, the eligible lending institution shall give priority to the economic needs of the area in which the business is located and other factors it considers appropriate to determine the relative financial need of the business.

F. 1. The eligible lending institution shall forward to the State Treasurer, an agricultural linked deposit loan package, in the form and manner prescribed and approved by the State Treasurer. The package shall include information regarding the amount of the loan requested by each eligible agricultural business and ~~such~~ any other information regarding each business the State Treasurer and the State Board of Agriculture requires. The institution shall certify that each applicant is an eligible agricultural business, and shall, for each business, certify the present borrowing rate applicable to each specific eligible agricultural business.

2. The institution and applicant shall certify that each applicant is an eligible agricultural business, and that the values

used to calculate the ratios of debt to assets have not been changed or manipulated in order to qualify the applicant for the program.

3. Whoever knowingly makes a false statement concerning a linked deposit loan application shall be prohibited from participating in the linked deposit loan program.

G. Upon receipt of a completed agricultural linked deposit loan package, the State Treasurer may review or audit the information contained in the completed agricultural linked deposit loan package, including, but not limited to, a review or audit of the values used to calculate the ratios of debts to assets as provided by the applicant and the institution. The State Treasurer shall forward the completed agricultural linked deposit loan package to the Board. The Board shall review the agricultural linked deposit loan package to determine if ~~said~~ the package qualifies under this ~~act~~ program. The Board shall make a recommendation concerning the package within ten (10) business days. The Board shall return the package to the State Treasurer with a written recommendation of approval or rejection. If the Board recommends rejection, the written recommendation shall include reasons for ~~said~~ the rejection. The Board shall forward a copy of ~~it's~~ the rejection notice to the lending institution and the borrower. The State Treasurer shall keep a chronological list of applications forwarded by the Board for approval or rejection.

SECTION 105. AMENDATORY 2 O.S. 1991, Section 1767, as last amended by Section 1, Chapter 4, O.S.L. 1999 (2 O.S. Supp. 2000, Section 1767), is amended to read as follows:

Section 1767. A. The State Treasurer may accept or reject an agricultural linked deposit loan package or any portion ~~thereof~~ of the package, based on the State Treasurer's evaluation of the eligible agricultural businesses included in the package, the amount of individual loans in the package, and the amount of the package. If the State Treasurer recommends rejection, the written

recommendation shall include reasons for ~~said~~ the rejection in a report to the State Board of Agriculture. The Board shall forward a copy of the rejection notice to the lending institution and the borrower. The borrower may be allowed to bring the application into compliance with the Board and the State Treasurer and resubmit the application. If the State Treasurer rejects the loan because sufficient funds are not available for a linked deposit, then the applications may be considered in the order received when funds are once again available subject to a review by the Board and the lending institution. In evaluating the eligible agricultural businesses, the State Treasurer shall consider the recommendation of the Board and the economic needs of the area where the business is located.

B. The State Treasurer may accept or reject an agricultural linked deposit loan package or any portion ~~thereof~~ of the package, based on the agricultural business's debt-to-asset ratio. The State Treasurer shall have the authority to establish quarterly, based on the availability of funds, a minimum debt-to-asset ratio of not less than forty percent (40%), nor more than fifty-five percent (55%), required to qualify as an at-risk farm or ranch business.

C. Upon acceptance of the agricultural linked deposit loan package or any portion ~~thereof~~ of the package, the State Treasurer shall notify the Board, the lending institution and the borrower. Upon acceptance, the State Treasurer may place certificates of deposit with the eligible lending institution at a rate below current market rates, as determined and calculated by the State Treasurer, or may invest in bonds, notes, debentures, or other obligations or securities issued by the federal farm credit bank with respect to the eligible lending institution at a rate below current market rates, as determined and calculated by the State Treasurer. When necessary, the State Treasurer may place certificates of deposit or may invest in ~~such~~ obligations or

securities prior to acceptance of an agricultural linked deposit loan package.

D. 1. The eligible lending institution shall enter into an agricultural linked deposit agreement with the State Treasurer, ~~which that~~ shall include requirements necessary to implement the purposes of the Oklahoma Agricultural Linked Deposit Program. ~~Such~~ The requirements shall include an agreement by the eligible lending institution to lend an amount equal to the agricultural linked deposit to eligible agricultural businesses at an interest rate that reflects a percentage rate reduction below the present borrowing rate applicable to each specific agricultural business in the accepted loan package that is equal to the percentage rate reduction below market rates at which the certificates of deposit that constitute the agricultural linked deposit were placed or at which the investments in bonds, notes, debentures, or other obligations or securities that constitute the agricultural linked deposit were made. ~~Such~~ The requirements shall also reflect the market conditions prevailing in the eligible lending institution's lending area.

2. The agreement may include a specification of the period of time in which the lending institution is to lend funds upon the placement of a linked deposit, and shall include provisions for the certificates of deposit to be placed or the investment in bonds, notes, debentures, obligations, or securities to be made for any maturity considered appropriate by the State Treasurer not to exceed two (2) years and may be renewed for up to an additional three renewals not to exceed two (2) years each at the option of the State Treasurer. Two additional renewals may be approved by the State Treasurer up to a total duration of participation of twelve (12) years, but new eligible participants and eligible participants who have had linked deposit loans for less than eight (8) years shall have priority over ~~such~~ renewals. No renewals will be allowed

unless the amount of principal has been reduced by a minimum of five percent (5%) and all interest paid to date from the time of the prior loan or renewal. Interest shall be paid at the times determined by the State Treasurer.

SECTION 106. AMENDATORY 2 O.S. 1991, Section 1768, is amended to read as follows:

Section 1768. A. 1. Upon the placement of an agricultural linked deposit with an eligible lending institution, the institution shall fund the loan to each approved eligible agricultural business listed in the agricultural linked deposit loan package in accordance with the agricultural linked deposit agreement between the institution and the State Treasurer.

2. The loan shall be at a rate that reflects a percentage rate reduction below the present borrowing rate applicable to each business that is equal to the percentage rate reduction below market rates at which the certificate of deposits that constitute the agricultural linked deposit were placed or at which the investments in bonds, notes, debentures, or other obligations or securities that constitute the agricultural linked deposit were made.

3. A certification of compliance with this section in the form and manner as prescribed by the State Treasurer shall be required of the eligible lending institution.

B. The State Treasurer shall take any and all steps necessary to implement the Oklahoma Agricultural Linked Deposit Program and monitor compliance of eligible lending institutions and eligible agricultural businesses, including the development of guidelines as necessary.

SECTION 107. AMENDATORY 2 O.S. 1991, Section 1769, is amended to read as follows:

Section 1769. The ~~state~~ State of Oklahoma, the State Department of Agriculture, and the State Treasurer shall not be liable to any eligible lending institution in any manner for payment of the

principal or interest on the loan to an eligible agricultural business. Any delay in payments or default on the part of an eligible agricultural business does not in any manner affect the agricultural linked deposit agreement between the eligible lending institution and the State Treasurer.

SECTION 108. AMENDATORY 2 O.S. 1991, Section 1901, is amended to read as follows:

Section 1901. ~~This~~ Sections 108 through 115 of this act shall be known and may be cited as the "Oklahoma Fuel Alcohol Act".

SECTION 109. AMENDATORY 2 O.S. 1991, Section 1902, is amended to read as follows:

Section 1902. It shall be unlawful for any person within this state to engage in the production of alcohol for use as a motor fuel, unless the person has obtained the required permit for either an experimental plant or a distilled spirits plant from the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and has, in addition thereto, received a permit from the State Department of Agriculture in accordance with the provisions of ~~this act~~ the Oklahoma Fuel Alcohol Act.

SECTION 110. AMENDATORY 2 O.S. 1991, Section 1903, is amended to read as follows:

Section 1903. A. The kinds of permits which may be issued by the Department of Agriculture, and the annual fees therefor, shall be as follows:

1. Alcohol Fuel Producer Permit
(Small) \$ 25.00
2. Alcohol Fuel Producer Permit
(Medium) \$100.00
3. Alcohol Fuel Producer Permit
(Large) \$250.00

The alcohol fuel producer is required to obtain a state permit ~~(small, medium or large)~~ as defined by the Bureau of Alcohol,

Tobacco and Firearms of the United States Department of the Treasury, ~~which is hereinafter referred to as ATF.~~ If a different person purchases or acquires control of an alcohol fuel producing plant, that person must file a new application.

B. Alcohol fuel produced shall be rendered unfit at time of production for beverage use in conformity with ~~ATF~~ Bureau regulations.

C. The premises of an alcohol fuel plant include all areas where distilled spirits are produced, processed, stored, used or held for distribution. The proprietor shall maintain security adequate to deter diversion of the spirits, and shall determine and record the quantities of spirits produced, received, rendered unfit for beverage use and used or removed from the premises.

D. Distilled spirits withdrawn from plant premises may be used only for fuel purposes and meet all ~~ATF~~ Bureau requirements for withdrawal. Before withdrawing spirits from plant premises, the proprietor must render the spirits unfit for beverage use, with the only exception being for those spirits transferred to other alcohol fuel producing plants.

E. The Corporation Commission shall have the authority to promulgate such rules ~~and regulations~~ to govern the sale of ethanol (ethyl alcohol) and gasoline mixtures.

SECTION 111. AMENDATORY 2 O.S. 1991, Section 1904, is amended to read as follows:

Section 1904. To obtain a permit from the Department of Agriculture, each applicant shall submit a copy of his or her valid federal permit, such application form as the Department may establish and the appropriate fee. ~~This~~ The permit shall be conspicuously displayed in the producer's plant.

SECTION 112. AMENDATORY 2 O.S. 1991, Section 1905, is amended to read as follows:

Section 1905. The state permit issued pursuant to the Oklahoma Fuel Alcohol Act shall be revoked if the permit holder's federal permit is revoked, the alcohol produced is diverted for any unauthorized use, the holder violates any provisions of ~~this act~~ the Oklahoma Fuel Alcohol Act, or if the annual fee is not paid.

SECTION 113. AMENDATORY 2 O.S. 1991, Section 1906, is amended to read as follows:

Section 1906. The Department of Agriculture shall maintain for public information a current list of all alcohol producers registered under ~~this act~~ the Oklahoma Fuel Alcohol Act. ~~This~~ The list shall specify the type permit issued to each producer. A copy of ~~this~~ the list shall monthly be filed with the ~~Oklahoma~~ Alcoholic Beverage Control Board Laws Enforcement Commission.

SECTION 114. AMENDATORY 2 O.S. 1991, Section 1907, as last amended by Section 41, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (2 O.S. Supp. 2000, Section 1907), is amended to read as follows:

Section 1907. Any person who violates any provision of ~~this act~~ the Oklahoma Fuel Alcohol Act shall be guilty of a felony, and shall upon conviction thereof be fined not more than Twenty-five Thousand Dollars (\$25,000.00), or imprisoned in the State Penitentiary for not more than five (5) years or both.

SECTION 115. AMENDATORY 2 O.S. 1991, Section 1908, is amended to read as follows:

Section 1908. The Department of Agriculture shall have the authority to establish the rules ~~and regulations~~ necessary to carry out the provisions of ~~this act~~ the Oklahoma Fuel Alcohol Act and shall periodically inspect all plants registered ~~under this act~~ pursuant to the Oklahoma Fuel Alcohol Act.

SECTION 116. AMENDATORY 2 O.S. 1991, Section 2011, is amended to read as follows:

Section 2011. This ~~act~~ article shall be known and may be cited as the "Oklahoma Agriculture Biotechnology Act".

SECTION 117. AMENDATORY 2 O.S. 1991, Section 2012, is amended to read as follows:

Section 2012. The purpose of ~~this act~~ the Oklahoma Agriculture Biotechnology Act is to protect agriculture and public health from intentional or unintentional release of genetically engineered biological articles into the environment.

SECTION 118. AMENDATORY 2 O.S. 1991, Section 2013, is amended to read as follows:

Section 2013. As used in the Oklahoma Agriculture Biotechnology Act:

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

2. "Donor" means the organism from which genetic material is obtained for transfer to the recipient organism;

3. 2. "Environment" means all of the land, air, and water and any organism that is living in association with these elements;

4. 3. "Gene" means the unit of heredity within an organism;

5. 4. "Genetic engineering" means the technology used to manipulate or alter an organism's genetic material through recombinant DNA or RNA techniques;

6. 5. "Organisms" means any life stage form of microorganisms, viruses, plants, invertebrate animals, such as insects, or vertebrate animals, including livestock, which is capable of supplying genetic materials or affecting the genetic expression of another living entity;

7. 6. "Permit" means a document issued by the Board authorizing a person to maintain, manipulate, and/or release a regulated article into the environment;

~~8. "Person" means any individual, partnership, firm, corporation, company, association, organized groups whether incorporated or not or any other legal entity;~~

9. 7. "Quarantine" means the isolation and/or safeguarding of an organism to prevent it from becoming established in the environment;

~~10.~~ 8. "Recombinant DNA or RNA" means hybrid molecules constructed outside or inside an organism by joining, deleting, or rearranging natural or synthetic DNA (deoxyribonucleic acid) or RNA (ribonucleic acid);

~~11.~~ 9. "Regulated article" means any organism altered or produced through genetic engineering;

10. "Release into the environment" means the use of a regulated article outside the constraints of physical confinement that are found in a laboratory, greenhouse, or a fermenter or other contained structure; and

~~12.~~ 11. "Vector or vector agent" means an organism or object used to transfer genetic material from the donor organism to the recipient organism; ~~and~~

~~13. "Regulated article" means any organism altered or produced through genetic engineering.~~

SECTION 119. AMENDATORY 2 O.S. 1991, Section 2014, is amended to read as follows:

Section 2014. A. ~~A designated employee of the Board~~ The State Department of Agriculture shall have the authority to inspect any premise within this state during regular business hours when ~~such employee~~ the Department has reasonable grounds to believe that activity governed by ~~this act~~ the Oklahoma Agriculture Biotechnology Act is or may be occurring ~~during regular business hours.~~ This inspection shall be to determine if the provisions of ~~this act~~ the Oklahoma Agriculture Biotechnology Act are being carried out and the

environment is being protected from the possibility of being contaminated by a regulated article.

B. The Board is authorized to promulgate ~~those~~ rules ~~and regulations~~ needed for the control of regulated articles as authorized by the Oklahoma Agriculture Biotechnology Act. All rules ~~and regulations~~ shall be promulgated pursuant to the ~~Oklahoma Administrative Procedures Act, Section 215 et seq. and Section 301 et seq. of Title 75 of the Oklahoma Statutes.~~

SECTION 120. AMENDATORY 2 O.S. 1991, Section 2015, is amended to read as follows:

Section 2015. A. In submitting information pursuant to ~~this act~~ the Oklahoma Agriculture Biotechnology Act, an applicant for a permit may designate as "confidential" any portions ~~thereof which~~ of the information that the applicant believes are entitled to treatment as confidential business information. A designation of confidentiality shall be made in writing and in ~~such~~ a manner as the State Board of Agriculture may prescribe. Information designated as "confidential" may be submitted separately from other material submitted.

B. Information that would be protected from disclosure under the federal Freedom of Information Act ~~(5 U.S.C. 552(b)(4))~~ will be classified as Confidential Business Information (CBI). This includes trade secrets and commercial or financial information found to be confidential.

C. Documents containing trade secrets ~~and~~ which the person submitting asserts are trade secrets will be deemed CBI. "Trade secrets" means information relating to the production process. This includes production data, formulas, and processes and quality control tests and data, as well as research methodology and data generated in the development of the production process. ~~Such~~ This information must be:

1. Commercially valuable;

2. Used in one's business; and

3. Maintained in secrecy.

D. Documents containing commercial or financial information will be ~~deemed~~ confidential if a review established establishes that substantial competitive harm would result from disclosure.

Information such as safety data, efficacy or potency data, and environmental data may be ~~such~~ confidential information. Persons desiring protection for confidential information must submit a detailed statement containing facts to show that the person faces active competition in the area to which the information relates, and that substantial competitive harm would result from disclosure.

E. The applicant may withdraw the application at any time by providing written notice to the Board. If the application is withdrawn, all confidential business information shall be returned to the applicant and shall not be disclosed.

F. Except as provided ~~herein~~ in the Oklahoma Agriculture Biotechnology Act, no person shall reveal or use for ~~his~~ a person's own benefit any confidential business information received pursuant to ~~this act~~ the Oklahoma Agriculture Biotechnology Act.

SECTION 121. AMENDATORY 2 O.S. 1991, Section 2016, is amended to read as follows:

Section 2016. A. The State Board of Agriculture shall have the authority to issue, renew, deny, suspend, and revoke any permit issued according to the provisions of the Oklahoma Agriculture Biotechnology Act.

B. No person shall maintain a regulated article without a permit issued by the Board.

C. ~~All persons~~ Any person who ~~have~~ has filed Assurances of Compliance with federally established guidelines with ~~their~~ his or her Institutional Biosafety Committee and/or applied for regulatory ~~approval(s)~~ approval from the appropriate federal agency, ~~will~~ shall

be exempt from the provisions of ~~this act~~ the Oklahoma Agriculture Biotechnology Act.

D. Any person not in compliance with a federal agency shall provide the Board with the following information prior to issuance of ~~same~~ a permit pursuant to the Oklahoma Agriculture Biotechnology Act:

1. Name, title, address, telephone number, signature of the responsible person, and type of permit requested ~~(such as for importation, interstate movement, or release into the environment)~~;

2. All scientific, common, and trade names, and all designations necessary to identify the: Donor ~~organism(s)~~ organism; recipient ~~organism(s)~~ organism; vector or vector ~~agents(s)~~ agents; constituent of each regulated article which is a product; and regulated article;

3. Names, addresses, and telephone numbers of the persons who developed and/or supplied the regulated article;

4. A description of the means of movement ~~(e.g., such as mail, common carrier, baggage, or if hand-carried, (and by whom))~~;

5. A description of the anticipated or actual expression of the altered genetic material in the regulated article and how that expression differs from the expression in the nonmodified parental organism ~~(e.g., including but not limited to morphological or structural characteristics, physiological activities and processes, number of copies of inserted genetic material, and the physical state of this material inside the recipient organism (integrated or extrachromosomal), products and secretions, growth characteristics)~~;

6. A detailed description of the molecular biology of the system ~~(e.g., such as donor-recipient-vector)~~, which is or will be used to produce the regulated article;

7. Country and locality where the donor organism, recipient organism, vector or vector agent, and regulated article were collected, developed, and produced;

8. A detailed description of the purpose for the introduction of the regulated article including a detailed description of the proposed experimental and/or production design;

9. The quantity of the regulated article to be introduced and proposed schedule and number of introductions;

10. A detailed description of the processes, procedures, and safeguards which have been used or will be used in the country of origin and in the United States to prevent contamination, release, and dissemination in the production of the: Donor organism; recipient organism; vector or vector agent; constituent of each regulated article which is a product; and regulated article;

11. A detailed description of the intended destination ~~(including final and all intermediate destinations)~~, uses, and/or distribution of the regulated article ~~(e.g., such as greenhouses, laboratory, or growth chamber location; field trial location; pilot project location; production, propagation, and manufacture location; proposed sale and distribution location)~~;

12. A detailed description of the proposed procedures, processes, and safeguards which will be used to prevent escape and dissemination of the regulated article at each of the intended destinations;

13. A detailed description of any biological material ~~(e.g., for example culture medium, or host material)~~ accompanying the regulated article during movement; and

14. A detailed description of the proposed method of final disposition of the regulated article.

E. Any person or their employees who is issued a permit shall comply with regulations established by the Board as are necessary to

prevent the uncontrolled dissemination and establishment of a regulated article in the environment.

F. In accordance with the administration of ~~this act~~ the Oklahoma Agriculture Biotechnology Act, the Board is given the authority to charge the following fee schedule: A fee of One Hundred Dollars (\$100.00) shall be charged each person for a permit to develop, maintain, manipulate and/or release a regulated article. The fees shall be deposited in the State Department of Agriculture Revolving Fund.

SECTION 122. AMENDATORY 2 O.S. 1991, Section 2017, is amended to read as follows:

Section 2017. It shall be a violation of the Oklahoma Agriculture Biotechnology Act for any person not exempt from the provisions of ~~this act~~ the Oklahoma Agriculture Biotechnology Act to:

1. ~~To maintain~~ Maintain a regulated article without a permit from the State Board of Agriculture;
2. ~~To move~~ Move a regulated article without permission;
3. ~~To release~~ Release a regulated article into the environment without a permit;
4. ~~To fail~~ Fail to comply with a quarantine or destruction order; and
5. ~~To fail~~ Fail to pay a permit fee.

SECTION 123. AMENDATORY 2 O.S. 1991, Section 2018, is amended to read as follows:

Section 2018. A. Any person violating the provisions of the Oklahoma Agriculture Biotechnology 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 less than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00). For the purposes of this section, each day upon which a violation is

committed or is permitted to continue shall be deemed a separate offense.

B. If, after public hearing in accordance with the Administrative Procedures Act, ~~Section 215 et seq. and Section 301 et seq. of Title 75 of the Oklahoma Statutes,~~ the State Board of Agriculture shall find any person to be in violation of any of the provisions of ~~this act~~ the Oklahoma Agriculture Biotechnology Act, the ~~State Board of Agriculture~~ 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 124. AMENDATORY 2 O.S. 1991, Section 2021, is amended to read as follows:

Section 2021. A. There is ~~hereby~~ created the Oklahoma Arboretum and Botanical Garden of Oklahoma, which shall be under the direction and supervision of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges.

B. The director shall be appointed by the Dean of the Division of Agriculture of Oklahoma State University and approved by the Board of Regents.

C. The Oklahoma Arboretum and Botanical Garden director shall:

1. Acquire, archive, process, and disseminate information on horticultural and botanical resources that is or could be of value to policy and decision makers in the state;

2. Act as a representative of the state in horticultural matters as pertains to agriculture, both within and outside the state, when necessary or appropriate or when requested to do so by proper authority, which shall include among others the legislative or executive branches of state government;

3. Conduct research, investigations, and interpretive programs pertaining to horticultural and botanical resources, including but not limited to, native woody plant and certain herbaceous plant species distribution within the state, their relationships to each other and certain fauna and their environment as it pertains to agriculture;

4. Maintain plant inventories on or near the OSU campus and the respective associated sites ~~such as~~ including but not limited to the Tulsa Arboretum in natural or contrived ecosystems representing park and urban sites;

5. Establish a depository for preservation of live, native, and adaptive plant germplasm and as a distribution source of ~~said~~ germplasm to cooperating affiliated arboretums, involved in plant evaluation, teaching, and research programs;

6. Maintain as a part of the statewide Arboretum plant collections representative but not restricted to the flora and plant communities of Oklahoma, which among other benefits will support research and investigative programs; and

7. Contract with ~~private entities or state agencies~~ persons to assist in training of students and the citizenry with respect to our native and introduced woody and herbaceous plant material and their importance to Oklahoma.

D. The establishment of the Oklahoma Arboretum and Botanical Garden shall in no way preclude or limit the research and educational activities concerning biological and botanical resources and natural or contrived areas by universities, colleges, or other government entities.

E. The director is authorized to certify copies as being authentic reproductions of arboretum resource records held in the state.

F. The director shall present a report each year to the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges.

SECTION 125. AMENDATORY Section 1, Chapter 357, O.S.L. 1994 (2 O.S. Supp. 2000, Section 3001), is amended to read as follows:

Section 3001. A. This ~~act~~ subarticle shall be known and may be cited as the "Oklahoma International Trade Development Act".

B. The Oklahoma International Trade Development Act shall be implemented by the Oklahoma International Trade Development Council.

SECTION 126. AMENDATORY Section 2, Chapter 357, O.S.L. 1994, as amended by Section 1, Chapter 72, O.S.L. 1996 (2 O.S. Supp. 2000, Section 3002), is amended to read as follows:

Section 3002. A. The mission of the Oklahoma International Trade Development Council ~~shall be~~ is to ~~develop~~:

1. Develop and recommend marketing strategies and policies; and ~~promote~~

2. Promote the strategies and policies at the request of any Oklahoma agency, authority, and other entity of state government whose fundamental mission is the economic development of Oklahoma through export of agricultural products including, but not limited to raw materials, value added foods, grains, processed feeds, equipment, live animals, semen, embryos and services.

B. The Oklahoma International Trade Development Council shall continue the high level of integrity of development initiatives traditionally employed by Oklahoma, and combine the joint efforts and expertise available across state agencies, institutions and centers.

SECTION 127. AMENDATORY Section 3, Chapter 357, O.S.L. 1994, as last amended by Section 2, Chapter 72, O.S.L. 1996 (2 O.S. Supp. 2000, Section 3003), is amended to read as follows:

Section 3003. A. To fulfill its mission as the originator of the development of economic analysis and market planning for this state, the Oklahoma International Trade Development Council shall be the central advisory, planning, and monitoring board for all

agriculture-related products, livestock, goods, services, and agricultural market development. The Council shall serve as an expert economic development advisory board to the executive branch, the state Legislature, and the judiciary regarding international export of Oklahoma agricultural products, livestock, goods, services, and agricultural market development.

1. The Oklahoma International Trade Development Council shall be an economic development advisory board for the Oklahoma Department of Commerce for agricultural marketing and investment activities.

2. The Oklahoma International Trade Development Council shall act as policy advisor for the Oklahoma International Trade Development Act to the Department of Agriculture and the Institutions of Higher Learning in their representative capacities for development of agricultural policies and programs for international export sales and markets.

3. The Oklahoma International Trade Development Council shall act as the central policy development advisory board to any newly created Oklahoma agencies, authorities, and other entities of state government whose fundamental mission is the economic development of Oklahoma through export of agricultural products, livestock, goods, services, and agricultural market development.

4. In its capacity as Oklahoma's central economic policy, advisory, and monitoring board for export of agricultural products, livestock, goods, services, and agricultural market development, the Oklahoma International Trade Development Council shall promote greater collaboration and cooperation between the executive and legislative branches, agribusiness, financial institutions, labor and management, educational institutions, and local communities to create increased innovation, creativity, diversity, and productivity greater than any one sector can achieve acting alone.

B. 1. The Oklahoma International Trade Development Council shall consist of the following ex officio members or their designee:

- a. the Commissioner of the State Department of Agriculture,
- b. the Executive Director of the Oklahoma Department of Commerce,
- c. Chair and Vice Chair of the Agriculture Committee of the House of Representatives,
- d. Chair and Vice Chair of the Agriculture Committee of the State Senate,
- e. the Chair and Vice Chair of the Economic Development Committee of the Oklahoma House of Representatives,
- f. the Chair and Vice Chair of the Economic Development Committee of the State Senate, and
- g. the Chair of the Oklahoma State Chamber of Commerce and Associated Industries;

2. In addition to the members specified in paragraph 1 of this subsection, the Council shall consist of the following:

- a. the Governor shall appoint six members as follows:
 - (1) a representative of the Oklahoma wheat industry, from a list submitted by statewide wheat producer associations,
 - (2) a representative of the Oklahoma cattle industry, from a list submitted by statewide Oklahoma cattlemen's producer associations,
 - (3) a representative of the Oklahoma pork producers submitted by statewide pork producer associations,
 - (4) a representative of the Oklahoma food processing industry,
 - (5) a representative of a state financial institution with experience in international finance, and

- (6) one member from the public at large,
- b. the Speaker of the House of Representatives shall appoint five members as follows:
- (1) a representative of the Oklahoma grain and seed industry,
 - (2) a representative of the Oklahoma poultry producers,
 - (3) a representative of the Oklahoma cotton producers,
 - (4) a representative from the pure breed livestock industry, and
 - (5) one member from the public at large,
- c. the Pro Tempore of the Senate shall appoint five members as follows:
- (1) a representative from the Oklahoma nursery industry,
 - (2) a representative from the Oklahoma soybean producers,
 - (3) a representative from the Oklahoma peanut producers,
 - (4) a specialized genetic expert, and
 - (5) a member from the public at large.

C. The initial appointments for each gubernatorial and legislative member shall be for progressive terms of one (1) through four (4) years so that only one term expires each calendar year. Each of the first members appointed from the public at large shall serve a term of three (3) years. Subsequent appointments shall be for four-year terms.

D. All appointees to the ~~board~~ council shall be selected for outstanding knowledge and leadership in their fields.

E. No appointed member may serve more than two consecutive full terms of office on the Oklahoma International Trade Development Council.

F. Any vacancy in the appointive membership of the Oklahoma International Trade Development Council shall be filled for the unexpired term in the same manner as the original appointment.

G. The chairman of the Oklahoma International Trade Development Council shall be elected annually from among the private sector members. A vice-chairman shall be elected annually from among all the members.

H. The Oklahoma International Trade Development Council shall meet at least six times annually with time lapse between meetings not to exceed sixty (60) days, and at ~~such~~ other times upon the call of the Governor.

I. The Oklahoma International Trade Development Council shall be managed by the State Department of Agriculture who is authorized to contract for services ~~either public or private~~ with any person to accomplish the purposes of ~~this act~~ the Oklahoma International Trade Development Act.

J. Nonlegislative members of the Oklahoma International Trade Development Council shall be reimbursed for actual and necessary travel expenses in performing their duties as members of the Oklahoma International Trade Development Council. Legislative members of the Council shall be reimbursed as provided in Section 456 of Title 74 of the Oklahoma Statutes.

K. In making appointments to the board of directors of the Oklahoma International Trade Development Council, appropriate consideration shall be given to representation upon the ~~board~~ council by race, gender, and geographical area.

SECTION 128. AMENDATORY Section 4, Chapter 357, O.S.L. 1994, as amended by Section 3, Chapter 72, O.S.L. 1996 (2 O.S. Supp. 2000, Section 3004), is amended to read as follows:

Section 3004. A. The Oklahoma International Trade Development Council shall have the power and duty to:

1. Assist and encourage economic prosperity and employment throughout this state by promoting the expansion of international exports of Oklahoma, agricultural products and livestock;

2. Cooperate in conjunction with other organizations, public and private, the objectives of which are the promotion and advancement of export trade activities in the state;

3. Make recommendations regarding the establishment of a source of funding credit guarantees and insurance to support export development, particularly to small- and medium-sized businesses; and

4. Advise exporters and other groups regarding barter agreements between exporters of Oklahoma agricultural, livestock, or manufactured goods and groups in other countries and to facilitate contributions of Oklahoma agricultural and livestock products to areas of the world experiencing food shortages.

B. The Oklahoma International Trade Development Council shall seek advice from the general public, and from professional associations, academic groups and institutions, and individuals with the knowledge ~~of~~ and interest in areas of economic development and planning regarding international export of Oklahoma agricultural products and livestock, and agricultural market development.

C. All state agencies shall cooperate with the Oklahoma International Trade Development Council in providing information and other assistance as ~~may be~~ requested for the performance of Council duties.

D. The Oklahoma International Trade Development Council shall utilize, seek to enhance, and support the continuing economic analysis and information services provided by the public and private higher education institutions of this state.

SECTION 129. AMENDATORY Section 1, Chapter 159, O.S.L. 1995 (2 O.S. Supp. 2000, Section 3010), is amended to read as follows:

Section 3010. The Legislature hereby finds, determines and declares that the production of agricultural food products constitutes a large proportion of ~~the state's~~ Oklahoma's economy and that it is beneficial to the citizens of this state to protect the vitality of the agricultural economy by providing a legal cause of action for producers of perishable agricultural food products to recover damages for the disparagement of any perishable agricultural food product.

SECTION 130. AMENDATORY Section 2, Chapter 159, O.S.L. 1995 (2 O.S. Supp. 2000, Section 3011), is amended to read as follows:

Section 3011. As used in Sections 129 through 132 of this act unless the context otherwise requires:

1. "Disparagement" means dissemination of information to the public in any manner which casts doubt on the safety of any perishable agricultural food product to the consuming public; and

2. "Perishable agricultural food product" means an agricultural product as defined in Section ~~361b~~ 17-3 of Title 2 of the Oklahoma Statutes, intended for human consumption which is sold or distributed in a form that will perish or decay beyond marketability within a period of time.

SECTION 131. AMENDATORY Section 3, Chapter 159, O.S.L. 1995 (2 O.S. Supp. 2000, Section 3012), is amended to read as follows:

Section 3012. A. Any producer of perishable agricultural food products who suffers damages as a result of another person's disparagement of any such perishable agricultural food product, when the disparagement is based on false information which is not based on reliable scientific facts and scientific data and which the

disseminator knows or should have known to be false, may bring an action for damages and for any other appropriate relief in a court of competent jurisdiction.

B. The provisions of this section shall not be construed to limit or prohibit any cause of action which may be available to any producer of perishable agricultural food products pursuant to the Oklahoma Deceptive Trade Practices Act or any state or federal slander or libel law.

SECTION 132. AMENDATORY Section 1, Chapter 74, O.S.L. 1996 (2 O.S. Supp. 2000, Section 3021), is amended to read as follows:

Section 3021. The Legislature ~~hereby~~ finds, determines, and declares that the production of agricultural food products constitutes a large proportion of the state's economy and that it is beneficial to the citizens of this state to enhance ~~such~~ the production and further expand the state's economy by effectively supporting and promoting the value-added food processing industry.

SECTION 133. AMENDATORY Section 9, Chapter 367, O.S.L. 2000 (2 O.S. Supp. 2000, Section 3-32.9), is amended to read as follows:

Section 3-32.9 A. The State Board of Agriculture shall have the authority to establish a quarantine and promulgate rules prohibiting or restricting the transportation into or through Oklahoma from any other state, country, territory, or district of any nursery stock, or other article, of any character, capable of carrying plant pests or other harmful pests.

B. The quarantine shall show the boundaries of the area or place quarantined and the conditions of the quarantine.

C. The Board shall have the authority to promulgate rules for the seizure, inspection, disinfection, destruction, or other disposition of any nursery stock, plants, plant products, or other

article, of any character, capable of carrying harmful plant pests or other harmful pests.

SECTION 134. AMENDATORY Section 1, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.1), is amended to read as follows:

Section 1850.1 A. This ~~act~~ subarticle shall be known and may be cited as the "Oklahoma Sorghum Resources Act".

B. The purpose of the Oklahoma Sorghum Resources Act shall be to develop programs that will enhance sorghum production, sorghum research, promoting market development and education, and improving profitability of Oklahoma sorghum producers.

SECTION 135. AMENDATORY Section 2, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.2), is amended to read as follows:

Section 1850.2 As used in the Oklahoma Sorghum Resources Act:

1. "Commercial channels" means the sale of sorghum for any use, when sold to any commercial buyer, dealer, processor, cooperative, or to any person, public or private, who resells any sorghum or product produced from sorghum;

2. "Commercial quantities" means and includes all bushels of sorghum produced for market in any calendar year by any producer;

3. "Commission" means the Oklahoma Sorghum Commission;

4. "Department" means the State Department of Agriculture;

5. "First purchaser" ~~is~~ means any person, ~~public or private corporation, association or partnership~~ buying or ~~otherwise~~ acquiring after harvest the property in or to sorghum from a sorghum producer. A mortgagee, pledgee, ~~lienee~~ lienholder, or other person, ~~public or private~~, having a claim against the sorghum producer under a nonrecourse loan made against the sorghum after harvest ~~thereof~~ shall be ~~deemed~~ a purchaser ~~hereunder~~. The term "first purchaser" shall not include a harvesting or threshing lienee;

6. "Fiscal year" means the sorghum accounting year beginning July 1 of each year and ending June 30 of the following year;

7. "President" means the President of the State Board of Agriculture;

8. "Sorghum processor" means a person who commercially manufactures products made from grain sorghum or animal feed; and

9. "Sorghum producer" or "producer" means an individual engaged in the production of sorghum, who markets sorghum in commercial quantities in Oklahoma. Each individual determined to be an entity pursuant to rules promulgated by the United States Department of Agriculture Farm Service Agency shall be considered ~~as~~ a sorghum producer.

SECTION 136. AMENDATORY Section 3, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.3), is amended to read as follows:

Section 1850.3 A. There is ~~hereby~~ created until July 1, 2003, in accordance with the provisions of the Oklahoma Sunset Law, the Oklahoma Sorghum Commission.

B. 1. With the exception of the ex officio nonvoting member, the Commission shall be composed of five (5) elected members who:

- a. are at least twenty-five (25) years of age and are residents of Oklahoma,
- b. have been actually engaged in the production of sorghum in this state for a period of at least five (5) years, and
- c. derive a ~~substantial~~ portion of their income from the production of sorghum.

2. The President of the State Board of Agriculture shall be an ex officio nonvoting member of the Commission. The President may appoint a designee to serve on the Commission in the place of the President.

C. Each of the elected members shall be a resident of, have a farming operation in, and be elected by sorghum producers within a district area designated by this subsection as District 1 through District 5. The districts shall be as follows:

1. District 1 shall consist of Cimarron County;

2. District 2 shall consist of Texas County;

3. District 3 shall consist of the counties of Beaver, Harper, Woods, Alfalfa, Ellis, Woodward, Major, Roger Mills, Custer, Dewey, Blaine, Kingfisher, and Canadian;

4. District 4 shall consist of the counties of Grant, Kay, Osage, Washington, Nowata, Craig, Ottawa, Garfield, Nobel, Pawnee, Rogers, Mayes, Delaware, Logan, Payne, Creek, Tulsa, Wagoner, Cherokee, Adair, Oklahoma, Lincoln, Okfuskee, Okmulgee, Muskogee, Sequoyah, and McIntosh; and

5. District 5 shall consist of the counties of Beckham, Washita, Caddo, Grady, Cleveland, Pottawatomie, Seminole, Hughes, Pittsburg, Haskell, Le Flore, Harmon, Greer, Kiowa, Comanche, Jackson, Tillman, Cotton, Stephens, Jefferson, McClain, Garvin, Murray, Carter, Love, Pontotoc, Johnston, Marshall, Coal, Atoka, Bryan, Latimer, Pushmataha, Choctaw, and McCurtain.

D. 1. The terms of office of the initial elected Commission shall be as follows:

- a. two (2) years for District 1,
- b. three (3) years for ~~Districts~~ District 2 and 4,
- c. four (4) years for District 3, ~~and~~
- d. five (5) years for District 5, and
- e. six (6) years for District 4.

Thereafter the term of office shall be for five (5) years. ~~An elected member of the Commission may only serve for two terms.~~

2. If for any reason there is a vacancy on the Commission due to resignation, death, or for any cause resulting in an unexpired term, the Commission may name a person to serve as a provisional

member of the Commission for the remainder of the term of the office ~~se~~ vacated. The Commission shall submit, in writing, the name of ~~such~~ the person to the President for approval. The President shall either approve or disapprove the named person as a provisional member of the Commission within thirty (30) days of the submission of the name by the Commission. The failure of the President to disapprove the person named as the provisional member of the Commission within the thirty-day period shall be deemed approval of the person as the provisional member of the Commission.

E. The Commission shall hold meetings as necessary at a place and time to be fixed by the Commission. The Commission shall select, at the initial meeting of the Commission, a chair, a vice-chair, and a secretary-treasurer. At the first meeting in each fiscal year thereafter, the chair, vice-chair, and secretary-treasurer for the ensuing year shall be elected. Special meetings may be called by the chair or by three members of the Commission by delivery of written notice to each member of the Commission. Three members of the Commission shall constitute a quorum.

F. Commission members shall not receive any compensation, but shall be reimbursed in accordance with the provisions of the State Travel Reimbursement Act for all actual and necessary expenses incurred in the performance of the duties imposed upon the Commission pursuant to the Oklahoma Sorghum Resources Act.

G. A member of the Oklahoma Sorghum Commission may be removed by the President of the State Board of Agriculture for cause or by a two-thirds (2/3) vote of the other members of the Commission. In addition to all other causes, a member ceasing to:

1. Be a resident of the state; or

2. Produce or plant sorghum in the district from which ~~such~~ the member was elected,

shall be ~~deemed~~ sufficient cause for removal from office.

SECTION 137. AMENDATORY Section 4, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.4), is amended to read as follows:

Section 1850.4 A. Pursuant to the Oklahoma Sorghum Resources Act, the Oklahoma Sorghum Commission shall have the power and duty to:

1. Elect Commission officers to provide leadership and organization;
2. Call and conduct ~~such~~ meetings as ~~may be~~ necessary in carrying out the provisions of the Oklahoma Sorghum Resources Act;
3. Formulate basic objectives and the general policies and programs of the State of Oklahoma respecting the discovery, promotion, and development of markets and industries for the utilization of sorghum;
4. Approve financial matters;
5. Maintain and enforce provisions of the Oklahoma Sorghum Resources Act;
6. Promulgate rules as are necessary to promptly and effectively administer the provisions of the Oklahoma Sorghum Resources Act;
7. Conduct assessment referenda pursuant to ~~Section 12 of this act~~ the Oklahoma Sorghum Resources Act;
8. Conduct programs consistent with the Oklahoma Sorghum Resources Act;
9. Develop bylaws for the due and orderly administration of the affairs of the Commission and for its responsibilities specified pursuant to the provisions of the Oklahoma Sorghum Resources Act;
10. Advise, consult, and cooperate with agencies of this state and its political subdivisions ~~thereof~~, other states, the federal government, and with affected groups;
11. Collect and disseminate information relating to sorghum production;

12. Contract with agencies of this state and its political subdivisions ~~thereof~~, other states, the federal government, and other organizations or persons to comply and fulfill its mission pursuant to the provisions of the Oklahoma Sorghum Resources Act;

13. Hold public hearings for any purposes consistent with the provisions of the Oklahoma Sorghum Resources Act;

14. Identify and coordinate industry-wide programs for sorghum, sorghum resources, sorghum market development, sorghum promotion, and education relating to sorghum;

15. Seek information from sorghum producers and users for purposes of planning and prioritizing expenditures of Commission funds;

16. Protect or represent the best interests of the industry; conduct production, utilization, and policy research that affects the sorghum industry and benefits producers' profitability; disseminate reliable information; cooperate with agencies of this state and other states and governmental entities to implement joint programs; receive gifts and grants; and implement, or cause to be implemented, programs to increase the commercial value of Oklahoma sorghum; and

17. Take ~~such~~ any other actions deemed necessary by the Commission to implement the provisions of the Oklahoma Sorghum Resources Act.

B. In addition, the Commission shall:

1. Make available for inspections during an annual independent audit each fiscal year by a competent accountant or auditor, all books, records of account, and minutes of proceedings maintained by the Commission. The Commission shall provide to the State Department of Agriculture a copy of the annual audit performed pursuant to this section;

2. Not later than forty-five (45) days after the last day of the fiscal year, submit to the President of the State Board of

Agriculture a report itemizing all income and expenditures and describing all activities of the Commission during the fiscal year;

3. Provide surety bonds in amounts determined by the Department of Central Services for any members who handle funds for the Commission; and

4. Receive, hold in trust, and disburse all assessments and other funds collected pursuant to the Oklahoma Sorghum Resources Act as trust funds of the Commission.

C. Any funds received by the Commission pursuant to the provisions of the Oklahoma Sorghum Resources Act shall not be used, directly or indirectly, or as a result of contract or agreement, with other persons or organizations in supporting or opposing political candidates or political office holders, either state or national.

D. 1. Except for instances of gross negligence, individual criminal actions, or acts of dishonesty, the Commission and employees of the Commission are not individually liable to a sorghum producer or other person for actions or omissions taken pursuant to this act ~~which~~ that are:

- a. errors in judgment, or
- b. mistakes.

2. A member of the Commission is not individually liable for an act or omission of another member of the Commission.

SECTION 138. AMENDATORY Section 5, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.5), is amended to read as follows:

Section 1850.5 A. Except for the ex officio member, each member of the Oklahoma Sorghum Commission shall be elected by the sorghum producers in the district that the member represents. Each member will represent the district in which ~~such~~ the member resides and produces sorghum.

B. Any election of a member to the Commission shall be conducted pursuant to the procedures specified by the Oklahoma Sorghum Resources Act and by rules promulgated pursuant thereto.

C. 1. A sorghum producer who desires to be a candidate for the Commission shall file a petition signed by the potential candidate and at least ten sorghum producers in the district with the State Department of Agriculture for the initial election and with the Commission for subsequent elections. Along with the petition, the potential candidate shall submit an application for the applicant's name to be placed on the ballot. The application must be:

- a. filed not later than thirty (30) days before the date set for the election, and
- b. on a form approved by the Department for the initial election and approved by the Commission thereafter.

2. Upon receipt of an application and verification that the application meets the requirements of this section, an applicant's name shall be placed on the ballot for election to the Commission.

3. The election shall be preceded by at least forty-five (45) days' notice published in one or more newspapers published and distributed in the established election districts. The notice shall be published not less than once a week for two (2) consecutive weeks. The public notice shall include the date, time, and polling places for voting in the election and any other information deemed necessary by the Department for the initial election, and deemed necessary by the Commission ~~thereafter~~ to inform sorghum producers of the election. In addition, two (2) weeks before the date of the election, written notice shall be provided to each county agent of the cooperative extension service and each assessment location within the district in which the election is to be held.

D. 1. Each sorghum producer in the district who is actively engaged in the production of sorghum in commercial quantities in the current fiscal year of the calling of the election shall be entitled

to vote in any ~~such~~ election. The Department shall determine any questions of eligibility to vote in the initial election.

Thereafter, the Commission shall determine questions of eligibility to vote. Proof of voter eligibility shall include, but not be limited to, a dated grain elevator receipt which includes the sorghum producer's name and address and the amount of sorghum sold.

2. It shall be the responsibility of each sorghum producer to prove the producer's eligibility to vote.

3. Each eligible sorghum producer is authorized to cast one vote in any district in which the person produces sorghum.

E. The Department shall bear all reasonable expenses incurred in conducting the election of the initial Commission. All ~~such~~ the expenses shall be approved by the President prior to being incurred. Thereafter, any expenses incurred as a result of an election shall be borne by the Commission from any funds available to the Commission.

F. 1. For the initial election, the President shall approve the form of the ballot, and thereafter the Commission shall prepare the ballot.

2. Ballots shall be prepared and distributed in advance of the election.

3. The election ballot shall be printed with the names of candidates who have filed valid petitions and applications pursuant to this section. In addition, the ballot shall provide a space for write-in candidates.

4. Each ballot shall clearly state any voter eligibility requirements.

5. The ballot shall require the signature and place of residence of the sorghum producer voting in the election.

6. All prepared ballots shall be mailed or delivered in person to a location or locations designated by the Department for the

initial election and by the Commission for elections held thereafter.

7. Rules promulgated by the State Board of Agriculture for the initial election, and by the Commission thereafter, shall be promulgated pursuant to Article I of the Administrative Procedures Act. The rules shall include, but not be limited to:

- a. instructions to voters,
- b. conduct of elections,
- c. in-person absentee ballots or special write-in absentee ballots,
- d. balloting in-person locations and a central location for mail-in ballots,
- e. hours for voting,
- f. write-in votes for any eligible person whose name is not printed on the ballot,
- g. canvassing and reporting of returns, and
- h. ~~such~~ other information deemed necessary by the Commission.

G. 1. Ballots in all propositions and elections will be counted by a committee consisting of a representative of the Oklahoma Cooperative Extension Service, a representative of the Oklahoma Sorghum Commission, and a representative designated by the State Department of Agriculture.

2. The candidate receiving the largest number of votes cast in the district election shall be ~~deemed to have been~~ elected to office. In case of a tie vote, the President will cast the tie-breaking vote.

3. In all elections, results will be certified to the President for verification.

4. All ballots shall be locked in a container and stored in the county clerk's office in the county designated by the President. If no contests or investigations arise out of the election within

thirty (30) days after the day of ~~such~~ the election, the ballots may be destroyed by the office of the county clerk by shredding or burning after notification to the President and the Commission of the proposed destruction.

5. Any contest of the election or investigation shall be filed in district court in any county in the district holding the election within thirty (30) days after the day the ballots are counted.

6. In any case, if a recount is allowed by the district court, the court shall have the power to impound the locked ballot boxes and appoint a new canvassing committee consisting of three new representatives from the same background as the original canvassing committee.

SECTION 139. AMENDATORY Section 6, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.6), is amended to read as follows:

Section 1850.6 A. Beginning ninety (90) days after the election of the initial Oklahoma Sorghum Commission, there is hereby assessed a fee of one cent (\$0.01) per bushel ~~or one and three-quarters cent (\$0.0175) per hundred weight~~ upon all sorghum marketed by sorghum producers in this state and sold or handled through commercial channels. The fee shall be assessed and imposed upon the sorghum producer at the time of sale or delivery and shall be collected and remitted by the first purchaser to the Commission. Pursuant to the provisions of ~~this act~~ the Oklahoma Sorghum Resources Act, no sorghum shall be subject to assessment of a fee more than once.

B. 1. The first purchaser shall collect the assessment by deducting the appropriate amount from the purchase price of the sorghum or from any funds advanced for that purpose.

2. The Commission, by registered or certified mail, shall notify each first purchaser of the duty to collect the assessment, the manner in which the assessment is to be collected, and the date

on or after which the first purchaser is to begin collecting the assessment.

3. The amount of the assessment collected shall be clearly shown on the sales invoice or other document evidencing the transaction. The first purchaser shall furnish a copy of the document to the sorghum producer.

4. The Commission shall establish, by rule, the procedures for the collection and remittance of the assessment.

SECTION 140. AMENDATORY Section 7, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.7), is amended to read as follows:

Section 1850.7 A. The first purchaser shall render and have on file a report along with remittance of the fees collected pursuant to the Oklahoma Sorghum Resources Act on the fifteenth of each calendar quarter. The report shall include the total amount of fees assessed by the first purchaser, the total amount of sorghum purchased and ~~such~~ other information as may be required by the Oklahoma Sorghum Commission.

B. If the first purchaser fails to make a report and remittance as required by the Oklahoma Sorghum Resources Act, the Commission shall determine the amount collected and owed by the first purchaser, which shall be prima facie correct. Any first purchaser having failed to make the report as required by the Oklahoma Sorghum Resources Act shall, within ten (10) days after notice of the computed collection amount established by the Commission is mailed to ~~such~~ the first purchaser, pay the computed collection amount, together with a penalty of five percent (5%) of the computed collection amount. The first purchaser may dispute the computed collection amount established by the Commission and request the Commission to hold a hearing to redetermine the amount of the computed collection and the penalty to be imposed. No payment shall be made until the Commission enters its order determining the amount

of ~~such~~ payment. The payment of the determined collection amount and penalty shall be paid within ten (10) days of notice of ~~such~~ the decision.

C. At any time the State Department of Agriculture may request an audit of the first purchaser to determine whether the collection and proper disposition of the collected assessment were made pursuant to the provisions of the Oklahoma Sorghum Resources Act and rules promulgated thereto.

D. The first purchaser shall retain any records or reports relating to the collection of the assessment for at least three (3) years.

SECTION 141. AMENDATORY Section 8, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.8), is amended to read as follows:

Section 1850.8 A. The chair of the Oklahoma Sorghum Commission shall make an annual report to the Secretary of Agriculture, within forty-five (45) days after June 30 of each year, showing in detail all income and expenditures and any other facts relevant to the Oklahoma Sorghum Resources Act. ~~Such~~ The annual report shall include a list of all officers and any employees of the Commission and shall indicate the official positions of ~~such~~ officers and any employees and salaries paid ~~thereto~~.

B. The report shall be available to the public. A copy shall be sent upon request to any producer upon whom the assessment is assessed.

C. All records of the Commission shall be kept at least three (3) years.

SECTION 142. AMENDATORY Section 9, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.9), is amended to read as follows:

Section 1850.9 A. Any sorghum producer subject to the assessment provided in ~~Section 6 of this act~~ the Oklahoma Sorghum

Resources Act may request a refund of the fees so assessed, within sixty (60) days following the collection of the fee. Any sorghum producer requesting a refund shall make application to the Oklahoma Sorghum Commission for the refund of ~~such~~ the assessment. Along with the application, the sorghum producer shall submit the evidence of payment of the fee and of the amount of sorghum sold required by the Commission. The Commission may verify the accuracy of the request for the refund.

B. Upon receipt of the application for a refund and evidence required, the Commission shall refund the amount of the assessment owed to the producer within thirty (30) days of the date the refund request was received and the Commission received payment from the first purchaser.

SECTION 143. AMENDATORY Section 10, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.10), is amended to read as follows:

Section 1850.10 A. There is ~~hereby~~ created the Oklahoma Sorghum Resources Fund. The Oklahoma Sorghum Resources Fund shall be administered by the Oklahoma Sorghum Commission for the benefit of the sorghum producers in this state for the purposes specified by the Oklahoma Sorghum Resources Act. The Oklahoma Sorghum Resources Fund shall be established and maintained in a bank or other depository as approved by the Commission and the President of the State Board of Agriculture.

B. The Oklahoma Sorghum Resources Fund shall consist of:

1. All monies received by the Commission as proceeds from the assessment imposed pursuant to ~~Section 6 of this act~~ the Oklahoma Sorghum Resources Act;

2. Interest attributable to investment of money in the Oklahoma Sorghum Resources Fund; and

3. Monies received by the Commission in the form of gifts, grants, reimbursements, or from any other source designated by law for deposit to the Oklahoma Sorghum Resources Fund.

C. Any costs incurred by the Commission pursuant to the provisions of the Oklahoma Sorghum Resources Act shall not exceed the actual collections of the Commission.

D. Monies in the Oklahoma Sorghum Resources Fund shall only be expended for:

1. Implementation and management of the Oklahoma Sorghum Resources Act; and

2. Costs incurred by the Commission and the State Board of Agriculture for the administration of the Oklahoma Sorghum Resources Act.

SECTION 144. AMENDATORY Section 11, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.11), is amended to read as follows:

Section 1850.11 Upon the approval of the State Treasurer, any of the monies in the Oklahoma Sorghum Resources Fund may be invested by the Oklahoma Sorghum Commission in securities of the state or federal government, certificates of deposit or certificates of any bank, trust company, or savings and loan association insured by a federal agency. The principal and interest when due shall be paid into the Oklahoma Sorghum Resources Fund.

SECTION 145. AMENDATORY Section 12, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.12), is amended to read as follows:

Section 1850.12 A. Sorghum producers may petition for a referendum to determine if the assessment is to be continued, at any time after five (5) years following November 1, 1997. The President of the State Board of Agriculture shall call and conduct a referendum if the petitions bear signatures of ten percent (10%) of the sorghum producers. No more than one ~~such~~ referendum shall be

conducted in any one thirty-six-month period. The State Department of Agriculture shall determine if the petition bears the required number of valid signatures. The President shall announce the referendum at least thirty (30) days prior to the day of voting. At least thirty (30) days before the referendum, the Department shall mail a notice of ~~said~~ the referendum to all known sorghum producers in the State of Oklahoma who market sorghum in commercial quantities. The notice shall specify the dates, times, and places for holding the referendum, and shall include a sample ballot with the following wording:

DO YOU FAVOR A CONTINUATION OF THE ONE CENT (\$0.01) PER BUSHEL
~~OR ONE AND THREE-QUARTERS CENT (\$0.0175) PER HUNDRED WEIGHT~~
ASSESSMENT ON SORGHUM MARKETED IN OKLAHOMA FOR UTILIZATION,
RESEARCH, EDUCATION, PROMOTION, AND MARKET DEVELOPMENT?

YES ()

NO ()

B. Places within each county for conducting ~~said~~ the referendum shall be designated by the Oklahoma Sorghum Commission, and voting in each county shall be supervised by the county agricultural extension agent, or person designated by the Department. The Commission shall ensure sufficient ballots and supplies necessary for the conduct of the voting and tabulation of returns. Certified results of the referendum in each district shall be transmitted within twenty-four (24) hours after voting ends to the President, and the ballots shall be transmitted to the President within forty-eight (48) hours. Ballots shall be preserved by the President for a period of at least three (3) months.

C. 1. The results of the referendum shall be determined by the President, and the results certified to the Chair of the Commission who shall issue a proclamation declaring the results.

2. The Commission shall bear expenses of advertising and conducting the referendum.

D. Whenever the question of levying the assessments is disapproved, by failure of sixty percent (60%) of the sorghum producers voting in the referendum to favor continuation of the assessments, the proclamation declaring the result shall provide for the termination of the assessments on April 30, following the date of ~~said~~ the referendum.

SECTION 146. AMENDATORY 2 O.S. 1991, Section 31, is amended to read as follows:

Section 31. A. Agricultural Fair Corporations may ~~purchase~~:

1. Purchase, hold or lease or otherwise acquire any quantity of land necessary for their proper operation, with such buildings and improvements as may be erected thereon, ~~and may sell~~;

2. Sell, lease, or otherwise dispose of ~~the same~~ such land, buildings and improvements at their pleasure. ~~Such real~~

B. Real estate must be held for the purpose of erecting buildings and making other improvements thereon, to ~~promote~~:

1. Promote and encourage:

- a. agriculture,
- b. horticulture,
- c. mechanics,
- d. manufacturers,
- e. stock raising,
- f. 4-H clubs,
- g. Future Farmers of America,
- h. Home Demonstration Clubs,
- i. poultry raising,
- j. arts,
- k. trades,
- l. crafts,
- m. hobbies,
- n. industry,
- o. commerce, and

p. the general welfare of the people; and ~~to cooperate~~
2. Cooperate as may be deemed advisable by the Corporation's

Board of Directors with:

- a. the state and federal agriculture extension organizations,
- b. cooperative marketing associations,
- c. livestock and crop improvement ~~association~~ associations, and ~~such~~
- d. other farm, industrial, commercial or educational organizations ~~as may be deemed advisable by the Corporation's Board of Directors.~~

SECTION 147. AMENDATORY 2 O.S. 1991, Section 32, is amended to read as follows:

Section 32. ~~Such corporations must~~ Agricultural Fair Corporations shall not contract any debts or liabilities in excess of the amount of money in the treasury at the time of contract except for the purchase of real property, for which they may create a debt not exceeding Three Thousand Dollars (\$3,000.00), secured by mortgage on the property of the corporation. The directors of any Agricultural Fair Corporation who vote therefor shall be personally liable for any debt contracted or incurred in violation of this section.

SECTION 148. AMENDATORY 2 O.S. 1991, Section 33, is amended to read as follows:

Section 33. A. ~~Agricultural fair corporations are~~ Fair Corporations shall not be conducted for profit, and shall have no capital stock or income other than that derived from charges to exhibitors and fees for membership and admissions, ~~which.~~ Such charges and fees, together with the term of membership and mode of acquiring ~~the same must~~ membership shall be provided for in ~~their~~ the bylaws of the corporations. ~~Such~~

B. Any charges and fees ~~must never~~ shall not be greater than necessary to raise sufficient money to discharge the debt for the real estate and the improvements thereon, and to defray the current expenses of fairs.

SECTION 149. AMENDATORY 2 O.S. 1991, Section 34, is amended to read as follows:

Section 34. Agricultural ~~fair corporations~~ Fair Corporations may ~~also~~ be organized by three or more persons, as in the case of other corporations, with all the rights, privileges and liabilities appertaining to such corporations under the corporation laws of this state, including ~~such~~ the rights and privileges as are specified in this section and ~~the three preceding sections~~ Sections 146 through 148 of this act.

SECTION 150. AMENDATORY 2 O.S. 1991, Section 35, is amended to read as follows:

Section 35. The county commissioners of the ~~different~~ counties of this state, having a county fair association, ~~duly~~ organized ~~under~~ pursuant to the laws of Oklahoma, are hereby authorized to appropriate any sum of money not to exceed Five Hundred Dollars (\$500.00) each year to be offered as special premiums, such special premiums to be determined upon by the county commissioners and the directors of the fair association, ~~which.~~ Such money shall be used to pay premiums of the county fair for exhibits of agricultural and horticultural products and improved stock.

SECTION 151. AMENDATORY 2 O.S. 1991, Section 36, is amended to read as follows:

Section 36. A. The funds provided for in Section ~~4~~ 15-5 of this title shall be derived from any funds on hand, not otherwise appropriated, in the contingent fund of the county, ~~and the.~~ The county commissioners shall audit and allow bills presented by persons to whom premiums have been awarded as in other cases, on filing with ~~said~~ the bill, a certificate of the secretary and

treasurer of the fair association, ~~which~~. The certificate shall state the person to whom the premium was awarded, and the amount and character of the exhibit for which premium was awarded; ~~Provided,~~ that no.

B. No part of ~~said~~ the appropriation shall be allowed or paid for exhibitions of speed or races.

SECTION 152. AMENDATORY 2 O.S. 1991, Section 37, is amended to read as follows:

Section 37. The county commissioners when petitioned to do so by thirty percent (30%) of the resident taxpayers of their county shall call a special election of the resident taxpayers ~~to whom they~~ for purposes of this section. The commissioners shall submit the question to the resident taxpayers "Shall the county commissioners appropriate any sum of money, not to exceed one-half of one mill on the total assessed valuation of their counties for each current year, for premiums on agricultural and horticultural products and on purebred livestock and poultry?"

SECTION 153. AMENDATORY 2 O.S. 1991, Section 38, is amended to read as follows:

Section 38. The petition to the county commissioners shall name the stock show or fair association that the petitioners desire to ~~have the management of said~~ manage the stock show or fair.

SECTION 154. AMENDATORY 2 O.S. 1991, Section 39, is amended to read as follows:

Section 39. When directed by a vote of the resident taxpayers, as provided in Section ~~37~~ 15-7 of this ~~act~~ title, the county commissioners shall at their first meeting thereafter, notify the officers of the stock show or fair association named in the petition that ~~said~~ the premiums shall be allowed and paid to the amount named in the petition and no more, provided, that admittance is free at all times to ~~said~~ the stock show or fair association ~~where said~~ at which the premiums are offered; ~~and further,~~ The commissioners

shall determine and notify ~~said~~ the association of the number and amount of premiums to be offered and have a premium list printed, which shall be furnished free to all interested, ~~and~~. The premiums shall be paid in accordance with ~~said~~ the list.

SECTION 155. AMENDATORY 2 O.S. 1991, Section 40, is amended to read as follows:

Section 40. The county commissioners shall not pay ~~no~~ premiums except on a voucher ~~which~~. The voucher shall state the name of the person and ~~his~~ the person's address, to whom the premium was awarded; ~~said~~. The voucher must be signed by the judge ~~(or judges, if more than one)~~ who awards the premium, ~~said~~. The voucher must also be signed and certified ~~to~~ by the person acting as clerk to the judge ~~(or judges)~~.

SECTION 156. AMENDATORY 2 O.S. 1991, Section 41, is amended to read as follows:

Section 41. The funds provided for ~~in this act~~ by Section 15-7 of this title shall be derived from any fund on hand, and not otherwise appropriated, in the contingent fund of the county. If the amount available in the contingent fund is insufficient then ~~said~~ the county commissioners are authorized and directed to make a special tax levy for the contingent fund for the amount necessary.

SECTION 157. AMENDATORY 2 O.S. 1991, Section 42, is amended to read as follows:

Section 42. The county commissioners at a special meeting to be held on the last day of the stock show or fair, or as soon thereafter as possible shall ~~audit~~:

1. Audit and allow bills presented by the persons to whom premiums have been awarded, or to their order, ~~and order~~

2. Order the county clerk to issue a warrant for the ~~same~~ bills.

SECTION 158. AMENDATORY 2 O.S. 1991, Section 44, is amended to read as follows:

Section 44. Any and all monies in the "Free Fair Building Fund" of any county which has been raised by levy therefor or transfer ~~thereto~~ into the Fund from the sinking funds of ~~such~~ the county may be invested by the board of county commissioners with the approval of the directors of the county free fair association, in bonds or notes issued by the United States Government or the Treasury Department of the United States.

SECTION 159. AMENDATORY 2 O.S. 1991, Section 45, is amended to read as follows:

Section 45. The Board of Directors of any nonprofit Agricultural Fair Corporation organized under the laws of the State of Oklahoma may establish a retirement pay plan for any of its employees faithfully performing his or her duties for a period of more than thirty (30) years ~~which~~. The payments shall be considered a part of current operating expenses of ~~said~~ the corporation and the amount of ~~such~~ the payments and methods of making ~~such~~ the payments shall be determined from year to year by the ~~said~~ Board of Directors as they may see fit.

SECTION 160. AMENDATORY 2 O.S. 1991, Section 71, is amended to read as follows:

Section 71. For the purpose of encouraging the development of the agricultural, horticultural, mechanical, mineral, stock-raising and all other industrial interests of the State of Oklahoma, three or more counties may, as otherwise provided in this ~~act~~ article, organize a free district fair, provided that ~~no~~:

1. No such free district fair shall be held within one hundred (100) miles of any other free district or State Fair; ~~provided,~~ ~~further, that the~~ and

2. The provisions of this ~~act~~ article shall not interfere with the operation of the present law with reference to the organization and operation of free township and county fairs already organized.

SECTION 161. AMENDATORY 2 O.S. 1991, Section 72, is amended to read as follows:

Section 72. The officers of the free district fair association shall be chosen from the delegates selected by the counties entering ~~said the association, and.~~ The officers shall consist of a president, secretary and board of directors. The president and secretary selected ~~as provided in Section 3652, of the Oklahoma Compiled Laws, 1921,~~ pursuant to Section 15-55 of this title for county fair association organizations of each of the counties constituting the free district fair association shall be and constitute the board of directors of ~~said the~~ free district fair association from which membership a president and secretary shall be elected.

SECTION 162. AMENDATORY 2 O.S. 1991, Section 73, is amended to read as follows:

Section 73. A. The president, secretary and board of directors shall constitute the executive board of the free district fair association and shall have full power and authority to make all rules ~~and regulations~~ for holding the free district fair in accordance with the provisions of this ~~act, and~~ article. The executive board shall have authority to expend the funds of the free district fair association, but in no case shall the expenditures exceed the amount of money donated and appropriated; ~~provided, that~~ the.

B. The time of holding ~~said a~~ a free district fair shall be so placed as to not interfere with the dates of any county fair comprising the association or any free state fair.

SECTION 163. AMENDATORY 2 O.S. 1991, Section 74, is amended to read as follows:

Section 74. A. The executive board shall ~~make:~~

1. Make an estimate of the cost of the free district fair ~~and shall apportion;~~

2. Apportion to each of the counties comprising the association the portion to be borne by ~~same~~ each member county together with the plan and items of expenditures; ~~and shall certify such~~

3. Certify the estimate to the county excise board in each of the member counties in time to be acted on by ~~said~~ the county excise board at its annual meeting for making tax levies.

B. The items to be considered in the expenditure of funds shall be ~~as follows~~ for:

~~First. For premiums~~ 1. Premiums on livestock, poultry, fruit, agriculture, horticultural and dairy products; boys' and girls' club work, school exhibits, culinary products, textile products, needlework and sewing, hand painting, decorating and drawing, and cultivated plants and flowers; ~~;~~

~~Second. For the~~ 2. The necessary expenses of management of free district fairs organized under the provisions of this ~~act~~ article, including office expense, postage, telegraph and telephone, traveling expenses of secretary within the district in which the fair is held, printing (except premium lists) and necessary office supplies, premium ribbons and badges, clerical help, guards, superintendents and judges; ~~;~~ and

~~Third. For advertising~~ 3. Advertising the fair and for decorating and cleaning the grounds and buildings, and for caring for the grounds during the fair.

SECTION 164. AMENDATORY 2 O.S. 1991, Section 75, is amended to read as follows:

Section 75. The authority for the county excise boards in counties comprising the free district fair associations shall be by special election of the resident tax payers in the various counties ~~to whom~~. At the special election, the following question shall be submitted ~~the questions~~ to the resident taxpayers: "Shall the county commissioners appropriate any sum of money, not to exceed one (1) mill on the total assessed valuation of their counties for each

current year for premiums on agricultural and horticultural products and on purebred livestock and poultry, at the free district fair?"

SECTION 165. AMENDATORY 2 O.S. 1991, Section 76, is amended to read as follows:

Section 76. The special election mentioned in Section ~~5~~, 15-25 of this ~~act~~, title shall be called by the county commissioners of each of the said counties when requested to do so upon a petition signed by thirty percent (30%) of the resident ~~tax payers~~ taxpayers of said counties, and said petition shall designate the time and place of holding said free district fair.

SECTION 166. AMENDATORY 2 O.S. 1991, Section 77, is amended to read as follows:

Section 77. When directed by a vote of the resident taxpayers, ~~at such~~ the special election, the county commissioners shall at their first meeting thereafter, notify the county excise board that ~~the same~~ :

1. The question specified by Section 15-25 of this title has been voted upon and carried; ~~and that the~~

2. The estimate as submitted by the board of directors of the free district fair association amounts to a sum, not to exceed the amount voted upon, ~~and said.~~

The excise board shall proceed to levy upon the total valuation of the county a tax sufficient to raise the amount named in said the county commissioners' report, not to exceed one (1) mill, for said the free district fair purposes.

SECTION 167. AMENDATORY 2 O.S. 1991, Section 78, is amended to read as follows:

Section 78. A. The free district fair association shall have exclusive rights to all stand rights and privileges, ~~and admission.~~ Admission may be charged to races, horse shows, or any other special amusements; ~~provided, that no.~~ No money ~~appropriated under this act is collected pursuant to this section shall be~~ used to defray any

expenses or costs of such races, horse show or amusements; ~~and, provided, further, that.~~ In addition, the charging of admission to such amusements ~~does~~ shall not interfere with free access of the public to all exhibits.

B. All monies derived from rights and privileges of the fairgrounds shall be collected by the secretary of the free district fair association, and except as provided in this section, may be used in defraying ~~such expenses as are not itemized in this act.~~

C. Any balance that may be on hand after such expenses shall be turned over to the secretary, who shall place it in the free district fair fund.

SECTION 168. AMENDATORY 2 O.S. 1991, Section 79, is amended to read as follows:

Section 79. Premium catalogs shall be printed in sufficient numbers for distribution throughout the ~~territory~~ area comprising the free fair district, ~~the.~~ The expense of ~~which~~ printing the premium catalogs shall be borne by advertisers in ~~said~~ the catalog.

SECTION 169. AMENDATORY 2 O.S. 1991, Section 80, is amended to read as follows:

Section 80. No admittance fee shall be charged by any free district fair association ~~where~~ if any premiums are offered, to any grounds or enclosure where public exhibitions are made for public premiums.

SECTION 170. AMENDATORY 2 O.S. 1991, Section 81, is amended to read as follows:

Section 81. A. All funds of the free district fair association, ~~of every kind and nature,~~ shall be deposited in a bank selected by the board of directors of such association ~~and an.~~ An accurate and itemized account of ~~same~~ such funds shall be kept together with the itemized statement of disbursements and cancelled checks for ~~same; provided, that no~~ disbursements.

B. No disbursement shall be made except upon a check ~~being~~ signed by the president, and countersigned by the secretary of ~~said~~ a free district fair association, ~~and an~~.

C. An annual report of ~~said~~ the itemized receipts and disbursements ~~as itemized~~ shall be made to the Governor and the Chairman of the Oklahoma State Board of Agriculture ~~of the State of Oklahoma~~.

SECTION 171. AMENDATORY 2 O.S. 1991, Section 82, is amended to read as follows:

Section 82. The State of Oklahoma shall not be liable for any sum ~~or sums~~ of money whatsoever, by reason of the running, operating or establishing of a free district fair, ~~under~~ pursuant to the provisions of this bill, and any article. Any deficiency or expense occasioned by the running or operating of ~~said~~ a free district fair shall never be paid by the State of Oklahoma, ~~and shall not nor~~ be a ~~moral~~ charge against the state, ~~and the passage of this bill is conditioned upon the fact that no liability of any nature whatsoever shall ever devolve upon the State of Oklahoma by reason of the running and operating of said free district fair.~~

SECTION 172. AMENDATORY 2 O.S. 1991, Section 91, is amended to read as follows:

Section 91. A. There may be organized in each county in the State of Oklahoma a county free fair association.

B. The term "free fair" as used in Sections 172 through 186 of this act shall be construed to mean township and county fairs, livestock shows, and other agricultural shows where admission to the grounds and all exhibit buildings are free and ~~where~~ no charge is made for entering exhibits on which premiums are offered.

SECTION 173. AMENDATORY Section 1, Chapter 50, O.S.L. 1999 (2 O.S. Supp. 2000, Section 91.1), is amended to read as follows:

Section 91.1 Any county in which a free state fair is abolished by the Oklahoma Legislature may organize and create a county fair pursuant to the provisions of ~~Title 2 of the Oklahoma Statutes~~ this article.

SECTION 174. AMENDATORY 2 O.S. 1991, Section 92, is amended to read as follows:

Section 92. The object of free fairs ~~shall be~~ is to promote agriculture, horticulture, livestock and poultry raising, manufacturing, arts, trades and every industry of the county in which the fair is held.

SECTION 175. AMENDATORY 2 O.S. 1991, Section 93, is amended to read as follows:

Section 93. A. The county fair association in each county, organized ~~under~~ pursuant to Section 15-51 of this act title, shall consist of two members in each municipal township, in each county, who are resident qualified voters in ~~said~~ the county and who have been elected at ~~mass~~ public meetings or appointed by the county commissioners as ~~hereinafter~~ provided pursuant to this section.

B. The county farm agent of any county may, or if there is no such agent, upon petition of fifty resident citizens of the county, the county commissioners shall, within thirty (30) days after the filing of ~~such~~ the petition, call a ~~mass~~ public meeting in each municipal township, in each such county, for the purpose of electing the two members of the county fair association.

C. The call for ~~such mass~~ the public meeting shall be made by posting notices in at least three public places in the township or by both posting notices and publication in a newspaper of general circulation in the county. ~~Such~~ The notices and publications shall state the purpose of the ~~mass~~ meeting, the time and place of holding the ~~same, and such~~ meeting. The notices and publication must be made one (1) week before date of the meeting.

D. A chairman and a secretary shall be chosen at each of the various township meetings for the purpose of conducting the ~~said~~ ~~mass~~ public meetings and who shall certify to the county commissioners the names of the two elected members of the county fair association. ~~Such~~ The certificate shall be made to the county commissioners not later than June first of the fiscal year in which the township ~~mass~~ public meetings are held. If any township or townships in any county fail to hold a ~~mass~~ public meeting for the election of members of the county fair association, the county commissioners of such county shall appoint two members in each of ~~said~~ the townships, who shall have the same power and authority as the elected members.

E. Township ~~mass~~ public meetings for the election of members of the county fair association may be called at any time prior to June first in any fiscal year ~~and the~~. The members so elected shall hold their office for a period of two (2) years and until their successors are elected or appointed.

SECTION 176. AMENDATORY 2 O.S. 1991, Section 94, is amended to read as follows:

Section 94. As soon as practicable, prior to July first, after the election of members of the county fair association, the members elect shall meet at the county seat and shall perfect an organization by the election of a president, vice president, secretary and a board of directors ~~consisting~~. The Board of Directors shall consist of the president, vice president, secretary and four members, and such committees and officers as shall be deemed necessary. The secretary may be selected outside of the association, but must be a resident of the county seat or the town or city where the county fair is held.

SECTION 177. AMENDATORY 2 O.S. 1991, Section 95, is amended to read as follows:

Section 95. Special meetings may be called at any time ~~thereafter~~ by the president or secretary of the county fair association or upon written request of ~~one-fourth~~ one-fourth (1/4) of the members of ~~said~~ the association. Notices of regular and special meetings shall be given by mail at least three (3) days prior to such meetings.

SECTION 178. AMENDATORY 2 O.S. 1991, Section 96, is amended to read as follows:

Section 96. The board of directors shall constitute the executive board of the county fair association and shall have full power and authority to ~~make~~:

1. Make all rules ~~and regulations~~ for holding the township and county fairs in accordance with the provisions of ~~this act~~, Sections 15-51 through 15-96 of this title; and ~~shall have the authority to~~ expend

2. Expend the funds of the county fair association as herein provided, but in no case shall the expenditures exceed the amount of the appropriation.

SECTION 179. AMENDATORY 2 O.S. 1991, Section 97, is amended to read as follows:

Section 97. A. The executive board, with such committee as may be selected from the county fair association, shall make an estimate of the cost of the township and county fairs, and shall certify such estimate to the county excise board in time to be acted upon by ~~said~~ the county excise board at its annual meeting for making tax levies.

B. The items to be considered in the expenditure of funds shall be ~~as follows~~ for:

~~First. For premiums~~ 1. Premiums on livestock, poultry, agricultural and horticultural products, dairy products, boys' and girls' club work, products of domestic science and domestic arts, school exhibits, hand painting, decorating and drawing, manufactured articles, cultivated plants and flowers;;

~~Second. For necessary~~ 2. Necessary expenses of management of township and county fairs organized under the provisions of this ~~act~~ article, including office expenses, postage, telegraph and telephone, salary and traveling expenses of the secretary, printing and necessary office supplies, premium ribbons and badges, clerical help, guards, superintendents and judges.;

~~Third. For advertising~~ 3. Advertising the fairs and for decorating and cleaning the grounds and buildings, and for caring for the grounds and buildings.;

~~Fourth. For transportation~~ 4. Transportation and arrangement of township fair exhibits at the county fair and county fair exhibits at the Oklahoma State Fair and other State Fairs.

SECTION 180. AMENDATORY 2 O.S. 1991, Section 98, is amended to read as follows:

Section 98. For the purpose of defraying the expense of holding county and township fairs ~~as herein provided~~, the excise board of each county may make an annual levy upon all taxable property in the county, of not exceeding one-half (1/2) of one (1) mill, per annum, which is hereby declared not to be a current expense and ~~to~~ in addition to the maximum levy for current expenses now provided by law. The levy shall be for a special purpose, one-half. One-half (1/2) of such the fund to shall be known as the "free fair fund" and one-half the other half of such the fund to shall be known as the 4-H Club, F.F.A., and Women's Home Demonstration Club Work Fund in addition to the maximum levy for current expenses now provided by law.

SECTION 181. AMENDATORY 2 O.S. 1991, Section 99, is amended to read as follows:

Section 99. A. The county treasurer shall collect and apportion monies for the county free fairs as other monies are collected and apportioned ~~and in.~~

B. In school districts which overlap into adjoining counties, the levy for the free fair purposes shall be made and collected in the same manner as for school purposes, ~~and the~~.

C. The county treasurer shall disburse the ~~same~~ monies from the levy upon vouchers issued by the executive board of the county free fair association, signed by the president and secretary of the same.

D. Residents of any school district which overlaps into any other county shall be eligible to exhibit their products at the fairs in the county in which the school district is located.

SECTION 182. AMENDATORY 2 O.S. 1991, Section 100, is amended to read as follows:

Section 100. A. The township fair shall be the unit of the free fair plan, and the county fair association shall cooperate with the state and federal agricultural extension forces in organizing boys' and girls' clubs, cooperative marketing associations, livestock improvement associations and such other agricultural organizations as are deemed advisable by the executive board.

B. The executive board ~~shall~~:

1. Shall determine the number of township fairs and county or township livestock shows and other agricultural shows, to be held, ~~shall~~;

2. Shall fix the time and place of holding the ~~same~~ fairs and shows; and ~~may~~

3. May provide that two or more townships or communities within the county may combine their exhibits in one township fair.

C. The management of the township fairs shall be under the direction of the township members and the secretary of the county fair association, who ~~will~~:

1. Must observe the rules of the executive board, ~~and shall~~;

2. Shall select exhibits for the county fair, ~~and shall~~

3. Shall transport ~~such~~ the exhibits to the county fair.

SECTION 183. AMENDATORY 2 O.S. 1991, Section 101, is amended to read as follows:

Section 101. A. The executive board of the county fair association shall not include in ~~their~~ its estimate the cost of grounds and buildings for township and county fairs, ~~and the.~~

B. ~~The~~ executive board may arrange for holding the fairs where suitable grounds and buildings will be provided free.

SECTION 184. AMENDATORY 2 O.S. 1991, Section 102, is amended to read as follows:

Section 102. The county fair association shall have exclusive rights to all stand rights and privileges of township and county fairs, ~~and admission.~~ Admission may be charged to any amusements or other forms of entertainment; provided, that ~~no:~~

1. No money appropriated under this act collected pursuant to this section, is shall be used to defray any expenses of costs of such amusements or entertainment; and ~~provided further, that charging~~

2. Charging admission to ~~such the~~ amusements does not interfere with free access of the public to all exhibits.

SECTION 185. AMENDATORY 2 O.S. 1991, Section 103, is amended to read as follows:

Section 103. All money derived from rights and privileges on the fair grounds, except as otherwise provided by Section 15-63 of this title, may be used in defraying ~~such expenses as are not included in this act.~~

SECTION 186. AMENDATORY 2 O.S. 1991, Section 104, is amended to read as follows:

Section 104. In any county of the State of Oklahoma, in which a free fair association is organized and operating under the laws of the state, an election may be held as ~~hereinafter~~ provided in Section 15-68 of this title, for the purposes of determining a

permanent free fair site and authorizing the construction and maintenance of buildings thereon.

SECTION 187. AMENDATORY 2 O.S. 1991, Section 104a, is amended to read as follows:

Section 104a. There is hereby established and created in each county in this state a county free fair ~~to~~. The fair shall be held at such place in each of ~~said~~ the counties as may have heretofore or may be hereafter designated by the county free fair board of each of ~~said~~ the member counties to be known and designated as the (name of a county) county free fair association, ~~which is hereby declared~~. The county free fair boards created pursuant to this section are not to be a state institution institutions, and the State of Oklahoma shall not be obliged to pay for ~~said fair~~ the fairs.

SECTION 188. AMENDATORY 2 O.S. 1991, Section 104b, is amended to read as follows:

Section 104b. A. The term "free fair" as used in Section 15-66 of this act title shall be construed to mean community and county fairs and livestock shows and other agricultural shows where admission to the grounds and all exhibit buildings is free and ~~where~~ no charge is made for entering exhibits on which premiums are offered.

B. The ~~said~~ governing board shall have the power to designate the time, place and number of fairs and livestock shows and agricultural shows in each county.

SECTION 189. AMENDATORY 2 O.S. 1991, 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.

B. 1. 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 members shall be elected from each county commissioner's district of the counties, at a ~~mass~~ public 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~~ a 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~~ a newspaper published in the county at least ten (10) days before the filing period for the election.

~~B.~~ C. 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.~~ D. 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~~ no 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.~~ E. 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. 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.~~ F. 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.~~ G. 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.~~ H. 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 ~~article~~ section 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 190. AMENDATORY 2 O.S. 1991, Section 104d, is amended to read as follows:

Section 104d. ~~Said~~ A. The board of directors is hereby vested with ~~control~~:

1. Control of ~~said~~ the fair ~~and the~~;

2. The expenditure of all money levied and collected for the purpose of conducting ~~said~~ the fair; and

3. The power and authority to do all acts and things necessary in the conduct of ~~said~~ the fair and the management of its fiscal affairs.

B. The board shall prepare an annual budget for ~~said~~ the fair, which shall be published according to the law provided for budget publications, ~~and~~. The board shall file the same annual budget with the county clerk of each of ~~said~~ the member counties.

C. 1. The provisions of this section shall also apply to livestock shows, community and district fairs, and other agricultural shows authorized by the board of directors. ~~Provided,~~
~~that in~~

2. In counties having a population of more than fifty-five thousand (55,000), according to the 1940 Federal Decennial Census and in and for which county no state fair is provided by statute, it shall be the duty of ~~such~~ the board of directors to:

- a. hold in addition to ~~such~~ the county fair one or more township fairs, and/or district fairs within such county, ~~and to~~
- b. designate the place and time for holding the ~~same,~~
fairs, and ~~to~~
- c. hold within such county, in addition to the ~~above and foregoing~~ fairs, a junior fat stock show with premiums the same as a fair at an appropriate time during the spring months for the purpose of encouraging the youth of such county in the breeding and feeding of fat hogs, cattle, sheep and other livestock.

SECTION 191. AMENDATORY 2 O.S. 1991, Section 104e, is amended to read as follows:

Section 104e. A. The county commissioners, the county excise board and all other proper officers of ~~said~~ the county may make an annual levy upon all taxable property in the county ~~of~~ in an amount not ~~exceeding~~ to exceed one-half (1/2) of one (1) mill per annum in counties of more than fifteen thousand (15,000) population, ~~and in.~~
In counties of less than fifteen thousand (15,000) population, the proper officers of ~~said~~ the county may make an annual levy upon all taxable property in the county of not exceeding one (1) mill per annum ~~for the.~~ The purpose of ~~raising~~ the levy is to raise funds for ~~the:~~

1. The support and maintenance of ~~said~~ the fair, including the payment of premiums on livestock, poultry, agricultural and horticultural products, dairy products, boys' and girls' club work or other junior agricultural organizations which shall be in one class, products of domestic science and domestic arts, farm women's clubs, hand paintings, cultivated plants and flowers; ~~for necessary~~

2. Necessary expenses of management of said fair, including office expenses, postage, telegraph and telephone, salary and traveling expenses of the secretary, printing and necessary office supplies; ~~for premium~~

3. Premium ribbons and badges, clerical help, guards, superintendents and judges; ~~for advertising~~

4. Advertising, decorating and cleaning the grounds and buildings; ~~and for the~~

5. The repair of or erecting buildings owned and controlled by said county that are or will be used for free fair purposes. ~~Provided, that in~~

B. In the counties of this state having a population in excess of fifty-five thousand (55,000), according to the 1940 Federal Decennial Census and in which county there is not authorized a state fair, it shall be the mandatory duty of the county commissioners and the excise board and other officers of ~~said~~ the county, to make annual levy for the purposes ~~above mentioned~~ specified by this section upon all taxable property in such county of not less than one-fourth (1/4) of one (1) mill per annum.

SECTION 192. AMENDATORY 2 O.S. 1991, Section 104e.1, is amended to read as follows:

Section 104e.1 It is hereby expressly provided that the provisions of this ~~act~~ article shall be cumulative to all existing laws in the State of Oklahoma and where the provisions of this ~~act~~ article conflict with any other laws of the State of Oklahoma the provisions of this ~~act~~ article shall prevail.

SECTION 193. AMENDATORY 2 O.S. 1991, Section 104f, is amended to read as follows:

Section 104f. The board of directors of ~~said a~~ fair shall submit to the county commissioners and the excise board a budget and an itemized estimate of the needs of ~~said the~~ fair, ~~for the purpose hereinabove stated, and the aforesaid.~~ The levy shall be made for the purpose of taking care of ~~said the~~ budget.

SECTION 194. AMENDATORY 2 O.S. 1991, Section 104g, is amended to read as follows:

Section 104g. The county treasurer, upon requisition therefor by the board of directors of ~~said a~~ fair, shall pay over to the treasurer of ~~said the~~ fair board the funds collected by virtue of ~~said tax, aforesaid, and said the~~ levy. The funds shall be paid out by the treasurer of ~~said the~~ fair board upon vouchers and warrants issued by ~~said the~~ board under such rules ~~and regulations~~ as ~~said the~~ board may make.

SECTION 195. AMENDATORY 2 O.S. 1991, Section 104h, is amended to read as follows:

Section 104h. A. The board of directors shall have power to acquire:

1. Acquire grounds for ~~said the~~ fair by lease or purchase, ~~erect~~;

2. Erect buildings and repair the same, ~~to sell~~;

3. Sell concessions, advertising and privileges at ~~said the~~ fair; and ~~accept~~

4. Accept gifts and donations.

B. All money received from sale of concessions and privileges, and all gifts and donations shall be paid to and deposited with the treasurer of ~~said the~~ fair board, to be disbursed as ~~herein~~ provided in Section 15-75 of this title.

SECTION 196. AMENDATORY 2 O.S. 1991, Section 104i, is amended to read as follows:

Section 104i. A. The president of ~~said~~ a fair board shall be the executive head of ~~said~~ the association and perform all the duties usual to ~~said~~ the office and enforce and carry out the orders and directions of the board.

B. The vice president shall act in the absence of the president.

C. The secretary shall be the clerk of ~~said~~ the board and keep all the records and property of the association and shall keep an account of the money and property of the association and draw all warrants and orders on the treasurer.

D. The treasurer shall keep all monies and securities of the association and pay out the same upon the order and warrant of the board, attested by the president and secretary of the board.

SECTION 197. AMENDATORY 2 O.S. 1991, Section 104j, is amended to read as follows:

Section 104j. A. The directors elected at the first election held on the first Saturday in June, 1937, shall hold office; three for one (1) year, three for two (2) years, and three for three (3) years, so that annually thereafter there shall be elected three directors to serve for a term of three (3) years, and until their successors are elected and qualified.

B. At the first meeting of the directors on the second Saturday of June, 1937, the directors shall determine by lot or agreement who shall serve for the ~~one (1) year~~ one-year, the ~~two (2) year~~ two-year and the ~~three (3) year term~~ three-year terms.

SECTION 198. AMENDATORY 2 O.S. 1991, Section 104k, is amended to read as follows:

Section 104k. In case of failure of the county commissioners to approve and submit estimates to the excise board after having complied with the provisions of Section ~~4~~ 15-72 of this ~~act~~ title, the excise board of each of ~~said~~ the member counties shall, upon application of the fair board, make the levy ~~herein~~ provided ~~for~~ by

Section 15-70 of this title, after publication of the estimates therefor as otherwise provided by law.

SECTION 199. AMENDATORY 2 O.S. 1991, Section 104m, is amended to read as follows:

Section 104m. It is hereby expressly provided that the provisions of this ~~act~~ article shall not repeal or modify existing laws relative to free fairs.

SECTION 200. AMENDATORY Section 2, Chapter 120, O.S.L. 1992 (2 O.S. Supp. 2000, Section 104n), is amended to read as follows:

Section 104n. In each county in this state in which there has been established a county free fair association pursuant to the provisions of Sections ~~91~~ 15-51 through ~~103~~ 15-64 of ~~Title 2 of the Oklahoma Statutes~~ this title, the board of directors of such fair association may, by resolution, convert and establish such association into a fair association of the same name which is subject to the provisions of Sections ~~104a~~ 15-66 through ~~104m~~ 15-78 of ~~Title 2 of the Oklahoma Statutes~~ this title.

SECTION 201. AMENDATORY 2 O.S. 1991, Section 105, is amended to read as follows:

Section 105. A. The board of county commissioners of ~~such a~~ a county, when requested so to do, by a proper resolution passed and presented by the executive board of the free fair association of ~~said the~~ the county, shall submit, to a vote of the county, the question of determining a permanent free fair site. ~~Said~~

B. The board of county commissioners shall at the next regular meeting of such board determine whether such election shall be called ~~and if said.~~ If the board shall decide decides to call ~~said~~ an election, ~~same~~ the election shall be called within sixty (60) days after ~~such the~~ the decision; or the board may, ~~in their discretion,~~ submit such question at the next primary or general election thereafter, ~~and said.~~ The permanent free fair site shall be

determined by a majority of all legal votes cast in ~~said~~ the election.

SECTION 202. AMENDATORY 2 O.S. 1991, Section 106, is amended to read as follows:

Section 106. ~~Said~~ A. The election, as provided in Section 2 15-80 of this ~~act~~ title, shall be called and held ~~in the following manner:~~ pursuant to the provisions of this section.

B. The board of county commissioners shall cause to be published in a county newspaper of general circulation in ~~said~~ the county, for four consecutive issues, a proclamation calling ~~said~~ an election, ~~which.~~ The proclamation shall include a detailed statement of ~~said~~ the proposition. ~~Said~~

C. The proclamation shall state the exact method by which the electors shall vote their preference for the location of ~~said~~ the free fair site.

SECTION 203. AMENDATORY 2 O.S. 1991, Section 107, is amended to read as follows:

Section 107. When any county ~~shall have~~ has determined a free fair site ~~under~~ pursuant to the provisions of ~~the act~~ Section 15-81 of this title, the question shall not again be submitted to a vote of the county within five (5) years from said date, and then only upon petition signed by twenty-five percent (25%) of the total number of votes cast at the last general election for the county office receiving the highest number of votes, ~~which.~~ The petition shall be in lieu of the resolution of the executive board of the free fair association, as provided in Section 2 15-80 of this ~~act~~, ~~and said~~ title. The election shall be called, advertised and held in all other respects, as provided in ~~this act~~ Sections 15-80 and 15-81 of this title.

SECTION 204. AMENDATORY 2 O.S. 1991, Section 108, is amended to read as follows:

Section 108. ~~It is further provided that at~~ A. At any election held under the provisions of ~~this act~~ Section 15-80 of this title, there may be also submitted to a vote of the legal voters of the county, under the same conditions as ~~above~~ provided in Section 15-80 of this title, the question of authorizing and directing the excise board of such county to make an annual levy of not to exceed one (1) mill, for not to exceed five (5) succeeding years, to provide a "free fair improvement fund", ~~which.~~ The fund shall be used for the purpose of securing suitable grounds, making improvements thereon and maintaining the same. ~~Said~~ The fund, ~~when authorized as herein provided,~~ shall be for a special purpose, ~~and.~~

B. The levy shall be in addition to the maximum levy for current expenses now provided by law.

SECTION 205. AMENDATORY 2 O.S. 1991, Section 109, is amended to read as follows:

Section 109. All counties in the State of Oklahoma are hereby authorized to issue bonds for the purpose of purchasing lands, improving ~~the same~~ such lands, and constructing buildings thereon for free fair purposes.

SECTION 206. AMENDATORY 2 O.S. 1991, Section 110, is amended to read as follows:

Section 110. A. The board of county commissioners in each county of ~~the State of Oklahoma~~ this state is hereby authorized and empowered to call an election for the purpose of issuing bonds to purchase lands, improve the same, and to construct buildings thereon for free fair purposes, ~~the same to.~~ The lands and improvements thereon shall be owned and controlled by such counties.

~~Said~~ B. The commissioners shall call ~~said~~ the election by issuing a proclamation therefor and giving notice thereof in four consecutive issues of a weekly newspaper published in and of general circulation in ~~such~~ the county proposing to issue ~~said~~ the bonds. ~~Provided, that no~~

C. No election shall be held until the expiration of thirty (30) days following the date of the first publication of ~~said~~ the proclamation.

SECTION 207. AMENDATORY 2 O.S. 1991, Section 111, is amended to read as follows:

Section 111. The proclamation calling ~~said~~ an election shall ~~name~~:

1. Name the amount of bonds to be issued, ~~the~~;
2. The time said bonds shall run, ~~the~~;
3. The maximum rate of interest said bonds shall bear, i and ~~the~~
4. The time for holding the election.

SECTION 208. AMENDATORY 2 O.S. 1991, Section 112, is amended to read as follows:

Section 112. ~~Said~~ The election shall be conducted by the duly qualified election officials of ~~such~~ the county ~~and the~~. The returns ~~thereof~~ of the election shall be canvassed by the county election board.

SECTION 209. AMENDATORY 2 O.S. 1991, Section 113, is amended to read as follows:

Section 113. A. If ~~at said election~~ the three-fifths of the voters voting ~~thereon shall~~ at the election vote in favor of the issuance of the bonds, the board of county commissioners shall proceed at once to issue the ~~same~~ bonds and ~~shall~~ sell the ~~same~~ bonds in the manner now provided by law for the sale of municipal and county bonds.

B. The bonds shall not be sold for less than par and accrued interest.

C. The proceeds of the bonds shall be deposited in the county treasury to be paid out by the treasurer upon warrants authorized to be issued by the board of county commissioners.

SECTION 210. AMENDATORY 2 O.S. 1991, Section 114, is amended to read as follows:

Section 114. A. The bonds issued shall bear interest at a rate not to exceed the maximum rate provided by Section 498.1 of Title 62 of the Oklahoma Statutes, per annum, payable semiannually, and shall be issued in denominations of One Hundred Dollars (\$100.00), or any multiple thereof not to exceed One Thousand Dollars (\$1,000.00).

B. The entire amount of the bond issue shall be payable within twenty-five (25) years. The bonds shall be signed by the chairman of the board of county commissioners and attested by the county clerk. Facsimile signatures may be used as provided in the Registered Public Obligations Act of Oklahoma. The bonds shall be registered in the office of the county clerk and in the office of the county treasurer or by their authorized agent.

C. All bonds shall be sold to the bidder who will pay therefor par and accrued interest, and who shall stipulate in his or her bid the lowest rate of interest which ~~said~~ the bonds shall bear.

D. Upon the acceptance of ~~such~~ the bid, the bonds shall be issued in accordance therewith and shall be delivered to ~~said~~ the purchaser upon payment of the purchase price thereof. ~~Provided,~~ ~~that~~ ~~such~~ The bidder shall submit with his or her bid a sum in cash, or its equivalent, equal to two percent (2%) of his or her bid, ~~and~~ ~~upon~~ Upon acceptance of any bid ~~such,~~ the deposit shall become the property of the county selling ~~said~~ the bonds, and shall be credited to the purchase price thereof upon the understanding that if the purchaser ~~shall fail~~ fails to pay the balance of the purchase price within five (5) days after the tender of the bonds ~~to pay the balance of the purchase price said,~~ the sale shall be thereby annulled, and ~~said~~ the deposit shall ~~in such event~~ be retained by the county commissioners ~~to said county~~ and credited to the account for which such bonds are being issued. ~~Provided, that no~~

E. No tender of the bonds shall be valid until after the expiration of the period of contestability as now provided by law. All other deposits shall be returned.

F. The county commissioners selling such bonds shall have the right to reject all bids and readvertise the bonds for sale.

SECTION 211. AMENDATORY 2 O.S. 1991, Section 115, is amended to read as follows:

Section 115. It shall be the duty of the officers charged by law with levying taxes for county purposes to levy:

1. Levy annually an amount sufficient to pay the interest due each year on the bonds issued, and in addition thereto, levy

2. Levy an amount sufficient to pay the principal as the same falls due.

SECTION 212. AMENDATORY 2 O.S. 1991, Section 116, is amended to read as follows:

Section 116. Out of the proceeds of the sale of ~~said~~ the bonds, the board of county commissioners shall purchase lands and construct buildings thereon for the county free fair. In purchasing ~~said~~ the lands and constructing ~~said~~ the buildings thereon, the county commissioners shall also have the right to improve and beautify ~~said~~ the lands.

SECTION 213. AMENDATORY 2 O.S. 1991, Section 117, is amended to read as follows:

Section 117. A. The board of county commissioners of any county which ~~shall have~~ has acquired free fair lands and buildings ~~under this act~~ pursuant to Section 15-91 of this title or pursuant to any other act of the Legislature is authorized to levy and include in the estimate of the county, submitted to the county excise board, a county ad valorem tax of not to exceed one (1) mill on the dollar valuation for the purpose of making additional free fair improvements, such as purchasing additional lands, constructing additional buildings, beautifying and improving ~~said~~ the lands and repairing the free fair buildings.

B. Said levy shall not be for a current expense but shall be for a special purpose and for a special fund to be known as the free

fair improvement fund. ~~Said~~ The levy shall be in addition to the maximum statutory levy authorized to be made for current expense purposes. ~~Said~~ The levy shall also be in addition to the county free fair levy authorized to be made for the support and maintenance of the county free fair.

SECTION 214. AMENDATORY 2 O.S. 1991, Section 118, is amended to read as follows:

Section 118. A. Buildings for the purposes of any county free fair, which fair exists under any law of this state, may be constructed either upon land owned by the county or upon land which has been leased to the county for a period of not less than fifty (50) years from the time the construction of any such building ~~is begun; and any~~ has started. Any such building may be constructed on ~~any such~~ leased land owned or leased by the United States or any agency thereof, if not contrary to any conditions imposed by the United States or ~~said~~ the agency relating to ~~said~~ the land, notwithstanding the fact that the United States or ~~said~~ the agency retains the right to take possession of such land in the event of a national emergency.

B. The provisions of this ~~act~~ section shall be applicable regardless of the source of the funds from which any such building is constructed.

SECTION 215. AMENDATORY 2 O.S. 1991, Section 119, is amended to read as follows:

Section 119. A. Monies received as a result of renting or leasing any building or structure or any portion thereof, located on any county fairground which the county received as a gift from an individual citizen who was a resident of the county may be used by the county fair board for maintenance and repair of such originally donated building. ~~Such~~

B. The receipts shall not be subject to fiscal year cancellations but may be retained in a proper account from year to

year up to a maximum of a Fifteen Thousand Dollar (\$15,000.00) balance.

C. Any amount of a balance over Fifteen Thousand Dollars (\$15,000.00) at the end of each fiscal year which has been derived from such rental or lease contract shall be transferred to the county general fund.

SECTION 216. AMENDATORY 2 O.S. 1991, Section 120, is amended to read as follows:

Section 120. A. Prior to the expenditure or the contracting for the expenditure, of a sum in excess of Five Hundred Dollars (\$500.00), the county fair board shall present a notice of intent to the board of county commissioners setting forth ~~the~~ :

1. The expected sum to be expended, ~~the~~ ;
2. The reason for expending the ~~said~~ sum of money; ~~and the~~
3. The anticipated amount of said expenditure, ~~and.~~ The county fair board shall secure from ~~said the~~ the board of county commissioners consent for such expenditure. ~~Provided further, that nothing herein~~

B. Nothing in this section shall be construed to authorize the fair board to purchase materials, services or equipment except in compliance with the requirements of the law otherwise governing such purchases.

SECTION 217. AMENDATORY 2 O.S. 1991, Section 121, is amended to read as follows:

Section 121. A. The board of directors of any county fair association is ~~hereby~~ authorized to enter into agreements with other persons, firms or corporations, the terms of which provide for the construction of buildings or other structures upon the property used by ~~such the~~ the associations for fairs, exhibitions and other events. The funds to be made available for the contracts ~~herein~~ authorized by this section shall be derived only from the operation of the fairgrounds, gifts or donations received for such purpose.

B. The use of appropriated public funds or tax receipts to pay for such structures is expressly prohibited and no liability shall be incurred by the board of county commissioners or public body in the event of default on such contracts.

SECTION 218. AMENDATORY 2 O.S. 1991, Section 131.1, is amended to read as follows:

Section 131.1 In each county in this state in which there has ~~heretofore~~ been established a county free fair association under the 1937 Free Fair Act, as amended in 1939, in which county bonds for free fair purposes have been voted and issued since the effective date of ~~said the~~ 1939 amendment, as provided in ~~2 O.S. 1951~~ Sections ~~109 to 117, inclusive~~ 15-84 through 15-92 of this title, the board of directors of ~~said the~~ fair association may, by resolution, if approved by the board of county commissioners, establish and convert ~~said the~~ association into a similar fair association of the same name with the duties, powers and liabilities ~~hereinafter set out specified by Sections 15-112 through 15-127 of this title.~~

SECTION 219. AMENDATORY 2 O.S. 1991, Section 131.2, is amended to read as follows:

Section 131.2 The board of directors of the fair association shall consist of one member from each of the ~~commissioners~~ commissioners' districts in ~~said the county, and if said.~~ If the county contains a city of over twenty thousand 20,000 population, according to the last Federal Decennial Census, ~~said the~~ directors shall be elected from the rural parts of ~~said the~~ commissioners' districts only, and in addition thereto, two members of ~~said the~~ board shall be elected from ~~said the~~ city.

SECTION 220. AMENDATORY Section 2, Chapter 114, O.S.L. 1993, as amended by Section 1, Chapter 154, O.S.L. 1994 (2 O.S. Supp. 2000, Section 131.3A), is amended to read as follows:

Section 131.3A A. Within thirty (30) days of the establishment of a fair association, the board of county commissioners shall, by

resolution, call for an election of the fair association board of directors. Notice of ~~said~~ the elections shall be given in ~~some~~ a newspaper published in ~~said~~ the county at least ten (10) days before ~~said~~ election. Notice of ~~said~~ the filing period for ~~said~~ the elections shall be given in ~~some~~ a newspaper published in ~~said~~ the county at least ten (10) days before the filing period for ~~said~~ the election. The board of county commissioners, by resolution, shall set forth the following conditions concerning the election:

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

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

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

4. Prospective candidates must file with the county clerk; ~~and~~

5. 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-; and

~~B.~~ 6. 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.

B. If a district or city does not have a candidate or candidates for the position, the representative or representatives shall be appointed as ~~provided herein~~ follows:

1. The board of county commissioners shall appoint the representatives from the rural areas of the county; ~~and~~

2. The mayor of the city shall appoint the representatives from the city-; and

3. In the event there is not a candidate for election to the fair association board of directors the appointment will be announced no later than two (2) weeks from the closing of the filing period.

C. The site of the elections shall be determined by the board of county commissioners. Elections shall be held at a convenient place in each district or city, on the same day and at the same time. The county commissioner representing the district or an official designee of the commissioner shall preside at the election.

D. The election shall be by secret ballot.

E. Only registered voters of the county shall be allowed to vote.

F. The results of the election shall be tabulated at the site of the election and announced prior to the adjournment of the election meeting.

G. 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.

H. Initial terms of the directors:

1. The director from commissioner's district one shall be elected for a term of one (1) year;

2. The director from commissioner's district two shall be elected for a term of two (2) years; and

3. The director from commissioner's district three shall be elected for a term of three (3) years.

The term of each director elected subsequent to the initial term shall be for a period of three (3) years.

I. If there is a city in the county with a population of more than twenty thousand (20,000) according to the latest federal census, the board of county commissioners shall in the following manner ~~as provided herein~~ cause to be elected two directors to represent the city on the fair association board of directors ~~as follows~~:

1. The county clerk or an official designee of the clerk shall preside at election in the city;

2. ~~Two directors shall be elected to represent the city:~~

a. ~~the~~ The candidate receiving the highest number of the ballots cast shall be elected for a three-year term, and

b. ~~the;~~

3. The candidate receiving the second highest number of votes shall be elected for a two-year term.

~~Provided, if;~~ and

4. If, by the close of the filing period, a district or city is without a candidate for the position of fair board director, the board of county commissioners shall appoint a person to serve on the fair association board of directors to represent the respective district and the mayor of the city shall make the appointments for the two ~~(2)~~ city representatives.

SECTION 221. AMENDATORY 2 O.S. 1991, Section 131.4, as amended by Section 3, Chapter 114, O.S.L. 1993 (2 O.S. Supp. 2000, Section 131.4), is amended to read as follows:

Section 131.4 ~~Thereafter, upon~~ A. Upon the expiration of the term to which each director has been elected or appointed, the board of county commissioners shall ~~cause:~~

1. Cause the filing period for the position of director to the fair board association to commence in January; and ~~provide~~

2. Provide for the election or appointment of the director in accordance with the provisions as set forth in Section ~~2~~ 15-113 of this ~~act~~ title.

B. The director shall be elected or appointed to ~~said~~ the board of directors for a term of three (3) years.

C. The commissioner or county clerk presiding at such meeting shall certify and file in the office of the county clerk the name or names of the directors elected, ~~and the.~~ The county clerk shall keep a record thereof and shall issue to each person elected a certificate of election.

D. The board of directors shall, within ten (10) days after appointment and taking oath of office, organize by electing a president, vice president, secretary and treasurer, who shall hold office at the pleasure of the board; ~~provided, that the.~~ The secretary shall not be a member of the board of directors.

SECTION 222. AMENDATORY 2 O.S. 1991, Section 131.5, is amended to read as follows:

Section 131.5 A. The board of directors shall have the power, authority and control over ~~such~~ any agricultural and industrial exposition and fair, and the management, operation and conducting of the ~~same,~~ exposition and ~~such~~ fair.

B. ~~The~~ board shall at the end of each calendar year, and in any event not later than thirty (30) days thereafter, make and file under oath, with the board of county commissioners, a complete detailed report of all their transactions of business and finance for the year, ~~and when.~~ When approved by the board of county commissioners, ~~same~~ the report shall be filed with the county clerk.

SECTION 223. AMENDATORY 2 O.S. 1991, Section 131.6, is amended to read as follows:

Section 131.6 A. The president of the board of directors shall be the presiding officer of ~~such~~ the board and shall ~~perform:~~

1. Perform the usual duties incumbent upon such officer; ~~and shall see that~~

2. Ensure compliance with all orders of the board ~~are complied with.~~

B. The secretary of ~~such~~ the board shall be the recording officer and shall ~~keep:~~

1. Keep and have supervision over all records, ~~and shall file;~~

2. File and safely keep all documents of ~~said~~ the agricultural and industrial exposition and fair, ~~and shall at;~~

3. At all times be subject to the order and direction of the board of directors; ~~and shall perform~~

4. Perform all duties imposed upon him or her by the board of directors compatible with the duties of such office.

C. The county treasurer shall be the custodian of all funds, ~~and all.~~ All receipts and revenue set apart for the benefit of and belonging to such agricultural and industrial exposition and fair shall be currently deposited with ~~him;~~ and all the county treasurer. All disbursements of revenue shall be made through ~~him~~ the county treasurer in the manner and form as ~~hereinafter~~ provided in Section 15-121 of this title.

SECTION 224. AMENDATORY 2 O.S. 1991, Section 131.7, is amended to read as follows:

Section 131.7 No member of ~~such~~ the board of directors shall be paid nor receive any salary, compensation, nor emolument for his or her services in connection with such agricultural and industrial exposition and fair. The secretary shall be paid a salary to be fixed by the board of directors to be paid in equal monthly installments. ~~Said~~ The secretary shall give a surety bond in an amount to be fixed by ~~said~~ the board of directors and to be approved by the ~~said~~ the board payable to ~~such~~ the county and conditioned for the faithful performance of ~~his~~ duties. The premium for ~~said~~ the bond shall be paid by the board of directors out of the free fair funds.

SECTION 225. AMENDATORY 2 O.S. 1991, Section 131.8, is amended to read as follows:

Section 131.8 A. The board of directors shall ~~provide:~~

1. Provide for holding annually at the fairgrounds of ~~such~~ the county an agricultural and industrial exposition and fair for the purpose of exhibiting and displaying resources connected with or part of agricultural, horticultural, mineral, mechanical, and industrial development and the raising of livestock not only from Oklahoma but from any other state or place, ~~and shall have;~~

2. Have the power and authority in order to encourage the exhibiting and displaying of such resources and livestock to offer and pay suitable premium and awards and to grade and classify all exhibits entered in competition at such exposition and fair~~;~~ and

3. Have the power and authority to employ all necessary assistants and provide for the payment of a reasonable salary or compensation to such employees. ~~Provided, that in the event~~

B. If the board of directors ~~should decide~~ decides that it ~~would be~~ is impractical to hold an exhibition or fair in any year, ~~they~~ the board may postpone the ~~same~~ exhibition or fair to such time as, ~~in their opinion,~~ it would be advisable to hold ~~same~~ the exhibition or fair, whether in the same year or a succeeding year.

SECTION 226. AMENDATORY 2 O.S. 1991, Section 131.9, is amended to read as follows:

Section 131.9 In addition to the powers ~~herein conferred~~ specified by law, ~~such~~ the board of directors shall have the power and authority to provide for during ~~said~~ the agricultural and industrial exposition and fair or at any other time, ~~exhibitions:~~

1. Exhibitions and contests of speed, athletic skill and other events of public and civic interest and benefit, and award suitable prizes and purses therefor~~;~~ and collect

2. The collection of reasonable admission thereto into the exposition or fair and rental fees therefrom by ~~such~~ activities specified in this section.

SECTION 227. AMENDATORY 2 O.S. 1991, Section 131.10, is amended to read as follows:

Section 131.10 A. The board of directors is hereby given the power and authority to provide for and collect the following fees and charges:

1. A reasonable general admission fee per person, except that no admission charges or fees shall be exacted from persons exhibiting items such as natural resources, or livestock, ~~etc.;~~ a

2. A reasonable fee for merchants display space and concessions; ~~a~~

3. A reasonable fee as rental for barns, pens and other buildings ~~and a;~~

4. A reasonable entrance fee and stall rent sufficient to maintain stalls in a clean and sanitary condition and for light, fuel and water service, ~~and a;~~

5. A reasonable charge for parking cars or other vehicles, ~~and provided further that in addition to the above charges said board of directors shall have the right to charge a;~~

6. A reasonable entrance fee to persons desiring to enter into competition in exhibitions of speed and athletic skill; ~~and a~~

7. A reasonable admission fee to persons desiring to enter the enclosure in which such exhibitions are held to witness the ~~same;~~ ~~provided, however, during said~~ exhibitions.

B. During the agricultural and industrial exposition and fair, a day may be set apart for school children in cities and towns and a day for school children in rural communities ~~and said school children on such days shall~~ to allow such children to be admitted free into ~~such~~ the agricultural and industrial exposition and fair.

C. All fees and charges ~~herein~~ authorized by this section to be collected shall be used exclusively for premiums and the operating and conducting of ~~such~~ the agricultural and industrial exposition and fair and maintenance and repair of buildings and upkeep of the grounds, and construction of new buildings as needed.

SECTION 228. AMENDATORY 2 O.S. 1991, Section 131.11, is amended to read as follows:

Section 131.11 A. The county treasurer shall set up two accounts of funds ~~provided for herein~~ in the name of the exposition and free fair ~~on his books; one:~~

1. One account ~~to~~ shall be designated as "tax account" ~~and the.~~ The ad valorem taxes herein authorized to be appropriated pursuant

to this section when collected shall be credited to ~~such~~ the account~~;~~ and ~~the~~

2. The other account shall be designated "miscellaneous revenue account" ~~and the miscellaneous.~~ Miscellaneous revenue shall include ticket sales and exposition space sales ~~herein~~ authorized to be collected pursuant to this section and ~~all~~ any other revenue not derived from taxes~~, and~~ shall be credited to ~~said~~ the "miscellaneous revenue account", when paid to such treasurer.

B. 1. All disbursement of funds from the tax account of ~~such~~ the agricultural and industrial exposition and fair, except as ~~herein~~ otherwise provided for in this section and as otherwise provided by law governing the general funds of said county, shall be made upon sworn, itemized claims allowed by the board of directors and the board of county commissioners in the same manner as other county claims~~;~~ and

2. Disbursement of funds from the "miscellaneous revenue account" shall be made in cash voucher claims allowed by the secretary of the board of directors.

C. Such claims shall be itemized and sworn to by claimants, and when allowed by the secretary of the board of directors, shall be filed with the county clerk of ~~said~~ the county whose duty it shall be to forthwith issue a cash voucher to the county treasurer directing him or her to pay the ~~same~~ claim out of the cash on hand and to the credit of such agricultural and industrial exposition and fair~~, provided, that no.~~ No cash voucher claim shall be allowed nor filed and no cash voucher issued in payment thereof in excess of the cash actually on hand and in the possession of the county treasurer at the time of presentation ~~to him~~ for payment~~, and provided, that~~ ~~no.~~ No contract, debt nor obligation authorized or created by ~~said~~ the board of directors in excess of the income realized shall be valid.

D. Premiums and prizes may be paid in cash immediately from the cash receipts of ~~said~~ the fair without first being deposited with ~~said~~ the county treasurer, in which event such payments must be itemized separately and distinctly in ~~said~~ the annual account as a premium or prize paid with cash from current receipts.

SECTION 229. AMENDATORY 2 O.S. 1991, Section 131.12, is amended to read as follows:

Section 131.12 A. All expenses of operating the free fair, including awards and prizes, shall be paid first from the tax account and second from the "miscellaneous revenue account." Any funds remaining in the "miscellaneous revenue account" shall be appropriated for the next fiscal year to be used for maintenance, construction or any other proper purpose to be determined by the fair board.

B. Any and all funds on hand to the credit of any existing free fair association in any such county shall be immediately transferred to the credit of the association ~~created hereunder~~ upon the election of the board of directors ~~as provided hereunder~~.

SECTION 230. AMENDATORY 2 O.S. 1991, Section 131.13, is amended to read as follows:

Section 131.13 A. It shall be the mandatory duty of the board of county commissioners of any ~~said~~ counties to include in the estimates of needs for any such counties for each fiscal year, whether an exposition and fair is held in such year or not, ~~a:~~

1. Unless a lesser sum is requested by the board of directors;
and

2. A sum not less than Eight Thousand Dollars (\$8,000.00) in counties having a net assessed valuation, as provided in Section 1, Chapter 6, Title 19, ~~page 39,~~ Oklahoma Session Laws 1943, at the time the appropriation is made of not less than Thirty-five Million Dollars (\$35,000,000.00) and not more than Forty Million Dollars (\$40,000,000.00); or a sum of not less than Ten Thousand Dollars

(\$10,000.00) in counties having such a net assessed valuation at the time the appropriation is made of more than Forty Million Dollars (\$40,000,000.00) but not more than Forty-five Million Dollars (\$45,000,000.00); or a sum not less than Twelve Thousand Dollars (\$12,000.00) in counties having such a net assessed valuation at the time the appropriation is made of more than Forty-five Million Dollars (\$45,000,000.00), ~~unless a lesser sum is requested by said board of directors, to.~~

B. The money shall be used by ~~said the~~ board of directors ~~in the~~ for:

1. The payment of premiums, salaries, and other expenses incurred in the management, operation and conducting of ~~such a~~ exposition and fair, including the salary of the secretary-treasurer and office employees, and secretary's bond premium, ~~and for the~~;

2. The maintenance of buildings and the upkeep of grounds, the construction of new buildings, or either of such purposes, ~~and any~~

3. Any other expense incidental to the general purposes of this ~~act~~ subsection.

C. The amount appropriated shall be a part of the current expenses of the county, and it is hereby made the mandatory duty of the excise board of ~~said the~~ county establishing ~~such an~~ exposition and fair to approve the amount so estimated for ~~said the~~ purposes by ~~said the~~ board of county commissioners.

D. The miscellaneous income received by ~~said the~~ board of directors during any year shall not be taken into consideration as a part of ~~such the~~ estimated income used in financing the estimated needs of the county, ~~and such.~~ The estimated needs shall be exclusive of the estimated miscellaneous income.

SECTION 231. AMENDATORY 2 O.S. 1991, Section 131.14, is amended to read as follows:

Section 131.14 A. All property heretofore acquired by any ~~such~~ county by virtue of the provisions of various legislative acts for

expositions and free fair purposes is hereby declared to be the property of such county coming within the provisions of this ~~act~~ article, and is hereby placed under the custody and control of the board of county commissioners in such county the same as other county property, ~~and to~~. The property shall be used for the purposes of carrying out the provisions of this act, provided, however, that the Sections 15-111 through 15-127 of this title.

B. The board of directors of ~~such~~ an exposition and fair shall have the right to ~~lease~~:

1. Lease or rent any of the property belonging to it, including, but not limited to, all grounds, buildings and equipment of the exposition and fair, for any purpose, and upon such terms as they deem proper, during such time as the same is not being used for exposition and fair purposes; ~~and use~~

2. Use the proceeds of such lease or rental for the general purposes of Sections 15-111 through 15-127 of this act title.

SECTION 232. AMENDATORY 2 O.S. 1991, Section 131.15, is amended to read as follows:

Section 131.15 A. The board of directors may, and if in its judgment it will be to the best interest of the people of said county, lease the grounds, buildings and equipment, or any part thereof, to any person, firm, corporation or association for any purpose whatsoever on any terms deemed reasonable by said board of directors, including housing animals or equipment or holding exhibitions or contests, or for the exhibition or contest of any rodeo, baseball, football or any other game, display or contest, either occasionally or annually, as long as such lease does not interfere with or is in connection with the holding of an annual free fair. ~~Said~~

B. The board of directors may also, with the approval of the board of county commissioners, enter into a lease of a portion or site on the grounds for any term of years they deem reasonable with

any person, firm or corporation for the erection and maintenance of a building or buildings by ~~said~~ the party for permanent displays or housing equipment or for the permanent housing or shelter of livestock, or for any other purpose which may benefit the county free fair association or any of its activities and as long as said lease or leases do not interfere with or are in connection with the holding of an annual free fair.

C. The board may ~~also~~ contract with any person, firm or corporation for the erection of a building by such person, firm or corporation on a specified site to be used by such party, with the provision that ~~said~~ the building shall become the property of ~~said~~ the free fair association at the termination of any number of years to be agreed upon.

SECTION 233. AMENDATORY 2 O.S. 1991, Section 131.16, is amended to read as follows:

Section 131.16 The board of directors may, ~~in its discretion,~~ permit the free use of ~~said~~ the fairgrounds or any of its facilities for entertainments, exhibitions or displays of interest to the public where no admission is charged ~~where~~ if the proceeds thereof are wholly for charitable, religious, patriotic or eleemosynary purposes.

SECTION 234. AMENDATORY 2 O.S. 1991, Section 131.17, is amended to read as follows:

Section 131.17 ~~Said~~ The board of directors may accept and use gifts of money or property on behalf of ~~said~~ the fair and use it for general free fair purposes. ~~They~~ The board of directors may also give the donor the right to use such property for ~~such~~ a period of time as ~~they~~ the donor may desire.

SECTION 235. AMENDATORY 2 O.S. 1991, Section 157.1, is amended to read as follows:

Section 157.1 For the purpose of cooperating with the development of agricultural, mineral and industrial resources and

the educational facilities of the state, there may be established in all counties of the State of Oklahoma agricultural and industrial expositions and fairs, in the manner ~~hereinafter~~ provided pursuant to Sections 15-142 through 15-147 of this title.

SECTION 236. AMENDATORY 2 O.S. 1991, Section 157.2, is amended to read as follows:

Section 157.2 In any county in this state coming within the provisions of Section ~~1 hereof~~ 15-141 of this title, the board of county commissioners may, ~~at its option,~~ and by a resolution entered of record in the commissioners' journal of proceedings, disclose its intention to avail such county of the provisions and terms of Sections 15-141 through 15-147 of this act title, and within thirty (30) days ~~thereafter such~~ after entry of the resolution of record, the board of county commissioners shall meet for the purpose of placing in force and effect the provisions ~~hereof~~ of Sections 15-141 through 15-147 of this title.

SECTION 237. AMENDATORY 2 O.S. 1991, Section 157.3, is amended to read as follows:

Section 157.3 A. The board of county commissioners of any county qualifying ~~hereunder~~, pursuant to Section 15-142 of this title, may lease the grounds, buildings, equipment and facilities owned and acquired by ~~said~~ the county for the purpose of conducting annual agricultural and industrial fairs and expositions to a Public Trust Authority ~~which has been~~, created pursuant to the laws of the State of Oklahoma as they relate to public trusts, for the purposes of managing the grounds, buildings, equipment and facilities as well as conducting annual agricultural and industrial fairs and expositions. ~~Such~~

B. The Public Trust Authority shall have all rights, powers, authority, duties and responsibilities which are now or hereafter provided by general law for public trusts in Oklahoma ~~(60 O.S. 1961,~~ pursuant to Sections 176 through 180.3, as amended 180.4 of Title 60

of the Oklahoma Statutes, and the Oklahoma Trust Act, ~~60 O.S. 1961,~~
~~Sections 175.1 through 175.53, as amended~~) which are not
inconsistent with the provisions of this ~~act~~ article.

C. The Trust Authority, with the approval of the county
commission, may issue revenue bonds for not to exceed
twenty-five-year terms in accordance with trust laws of the State of
Oklahoma.

D. The trust may sublease any facilities, provided any lease in
excess of two (2) years shall be approved by the board of county
commissioners.

E. Any capital expenditure in excess of One Hundred Thousand
Dollars (\$100,000.00) on any project shall not be made without prior
approval of the board of county commissioners.

SECTION 238. AMENDATORY 2 O.S. 1991, Section 157.4, is
amended to read as follows:

Section 157.4 A. The Trust Authority shall be composed of from
nine to twenty-one trustees, to be determined by the board of county
commissioners in multiples of three. Each county commissioner shall
appoint the same number of trustees for three-year terms and such
terms shall be staggered, all subject to confirmation by the board
of county commissioners.

B. It is the legislative intent that the appointment of
trustees made by the commissioners, insofar as possible, shall
represent the full geographical area of the county and all areas of
participation in the fair and fairground operations. As soon as
practicable after the act becomes in force and effect, the board of
county commissioners of any such county shall appoint the trustees
of the Trust Authority as ~~herein~~ provided in this subsection, and
the terms of such trustees shall be as follows:

~~(a)~~ 1. The first one-third of said trustees appointed shall
serve for an initial term of one (1) year each from the date of
their appointment;

~~(b)~~ 2. The next one-third of said trustees shall serve for an initial term of two (2) years from the date of their appointment; and

~~(c)~~ 3. The next one-third of said trustees shall serve for an initial term of three (3) years from the date of their appointment.

C. After expiration of the ~~aforsaid~~ initial terms, the term of said trustees shall be three (3) years.

D. All trustees of ~~such~~ the Trust Authority shall serve as such without compensation, and the appointed trustees shall hold no other municipal, county, state or federal elective office.

E. A vacancy occurring other than through the expiration of a term shall be filled for the remainder of the unexpired term by the commissioner who made the appointment that becomes vacant.

SECTION 239. AMENDATORY 2 O.S. 1991, Section 157.5, is amended to read as follows:

Section 157.5. A. No trustee, officer or employee of such Public Trust Authority shall be a party either directly or indirectly, to any contract or agreement with such Public Trust Authority from which he or she may derive any personal gain or profit.

B. If any contract or agreement ~~shall be~~ is made in violation of the provisions of this section, the ~~same~~ contract or agreement shall be null and void and no action shall be maintained thereon against such Public Trust Authority, ~~and.~~ Any contract or agreement made in violation of the provisions of this section shall constitute cause for the immediate removal of such member, trustee, officer or employee: ~~Provided that this~~ executing the contract or agreement.

C. This section shall not prohibit any trustee or employee from participating in exhibits at the annual fair and events.

SECTION 240. AMENDATORY 2 O.S. 1991, Section 157.6, is amended to read as follows:

Section 157.6 A. The Trust Authority shall employ a director who shall be paid a reasonable salary to be fixed by the Trust Authority. The director shall give a surety bond in the sum of not less than Fifty Thousand Dollars (\$50,000.00) the specific amount to be determined by the Trust Authority. The bond shall be approved by and made payable to the Trust Authority. The premium for said bond shall be paid by the Trust Authority.

B. The Trust Authority may employ all employees necessary for the purposes of Sections 15-141 through 15-147 of this act title and provide for the payment of reasonable salaries, wages, or compensation to such employees.

C. The Trust Authority may elect to place ~~such~~ the director and employees under the employees benefits provided by the board of county commissioners for other county employees. The cost of such benefits shall be paid by the Trust Authority.

D. The district attorney shall be authorized to represent the Trust Authority. Provided, however, the trustees may elect to employ their own legal counsel, subject to the approval of the board of county commissioners, ~~and also in.~~ In the event the district attorney certifies it is not practical for him or her to represent the trustees, then the district attorney shall not be required to represent the trustees.

SECTION 241. AMENDATORY 2 O.S. 1991, Section 157.7, is amended to read as follows:

Section 157.7 A. The account and books of the Trust Authority, including its receipts, disbursements, contracts, mortgages, investments and other matters relating to its finances, operations and affairs shall be examined and audited not less than once each twelve (12) months by a certified public accountant or licensed public accountant ~~and the.~~

B. The trustees of ~~such~~ the Trust Authority may employ a certified public accountant or licensed public accountant for ~~such~~

the audit and examination and pay a reasonable fee therefor from trust funds; ~~provided, however, the said.~~

C. The records, books and accounts may be examined from time to time at the discretion of and by the State Auditor and Inspector as provided by law. When an audit is made as provided in this ~~section~~ subsection, by the State Auditor and Inspector, all expenses of ~~such~~ the audit must be reimbursed by the Trust Authority to the State Auditor and Inspector.

SECTION 242. AMENDATORY 2 O.S. 1991, Section 161, is amended to read as follows:

Section 161. A. All carnival companies or the operators of public shows that ~~shall, after the effective date of this act,~~ enter into any contract with any county agricultural society or county fair shall be required, within thirty (30) days after the execution of such contract, to execute:

1. Execute and file with the Secretary of State a good and sufficient bond, with corporate surety doing business in the State of Oklahoma, in the sum of Two Thousand Five Hundred Dollars (\$2,500.00) running to the State of Oklahoma. The bond shall be conditioned that any such carnival company or the operator of ~~such~~ the show will faithfully perform any contract entered into by ~~it or him~~ the carnival or operator in the State of Oklahoma during a period of one (1) year from the date of execution of such contract; and shall, at

2. At the time of the filing of the bond, file with the Secretary of State an appointment of some person within the State of Oklahoma authorized to receive service of process on behalf of the principal on ~~said~~ the bond. ~~Such~~

B. The bond shall be made for a period of one (1) year and no additional bonds shall be required for that period.

C. Upon entering into any contract with county fair or county agricultural society, calling for a performance in any specific

county in the State of Oklahoma, the ~~said~~ carnival company or the operator of ~~said~~ the show shall, within thirty (30) days after signing of each such contract, file with the county clerk of such county a certificate showing that the bond provided for in this section has been filed with the Secretary of State.

SECTION 243. AMENDATORY 2 O.S. 1991, Section 162, is amended to read as follows:

Section 162. A. The bond required by Section ~~±~~ 15-161 of this ~~act~~ title shall be security, not only for the performance of the initial contract signed by any such carnival company or the operator of any such show, but it also shall insure performers of all other contracts made in this state with any agricultural society or county fair during the period such bond is in force. ~~Said~~

B. The bond shall be in form approved by the Attorney General of Oklahoma.

C. Any county agricultural society or county fair may bring suit upon such bond in the county where such contract was to have been performed to recover any damages sustained by reason of breach of contract or failure to carry out the terms thereof.

SECTION 244. AMENDATORY 2 O.S. 1991, Section 163, is amended to read as follows:

Section 163. Each officer, owner, or manager of any carnival company or show, who willfully fails to cause bond and certificate to be filed as provided by Section 15-161 of this act title, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in the sum of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00).

SECTION 245. RECODIFICATION 2 O.S. 1991, Sections 738.1, 738.2 and 738.3, as amended by Sections 1, 2 and 3 of this act, shall be recodified as Sections 10-91 through 10-93 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 246. RECODIFICATION 2 O.S. 1991, Sections 751, 752, 753, 754, 755 and 756, as amended by Sections 4, 5, 6, 7, 8 and 9 of this act, shall be recodified as Sections 7-21 through 7-26 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 247. RECODIFICATION 2 O.S. 1991, Sections 788.1, 788.2, 788.3, 788.4, 788.5 and 788.6, as amended by Sections 10, 11, 12, 13, 14 and 15 of this act, shall be recodified as Sections 8-31 through 8-36 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering. 2 O.S. 1991, Sections 791, 792 and 793, as amended by Sections 16, 17 and 18 of this act, shall be recodified as Sections 8-36.1 through 8-36.3 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 248. RECODIFICATION 83 O.S. 1991, Sections 1, 3, 3.1, 4, 5, 6 and 8, as amended by Sections 118, 119, 120, 121, 122, 123 and 124, Chapter 243, O.S.L. 2000 (83 O.S. Supp. 2000, Sections 1, 3, 3.1, 4, 5, 6 and 8), shall be recodified as Sections 14-1 through 14-7 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 249. RECODIFICATION 2 O.S. 1991, Sections 1021, as amended by Section 19 of this act, 1022, as last amended by Section 20 of this act, 1023, 1024, 1025, 1027, 1028 and 1029, as amended by Sections 21, 22, 23, 24, 25 and 26 of this act, 1030 and 1031, as last amended by Sections 27 and 28 of this act, and 1032, 1033, 1034, 1035, 1036, 1036.1, 1037 and 1038, as amended by Sections 29, 30, 31, 32, 33, 34, 35 and 36 of this act, shall be recodified as Sections 18-300 through 18-317 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 250. RECODIFICATION 2 O.S. 1991, Sections 1101 and 1102, as amended by Sections 37 and 38 of this act, 1103, as

last amended by Section 39 of this act, and 1104, 1105, 1106, 1107, 1108, 1109, 1109.1, 1110, 1112 and 1113, as amended by Sections 40, 41, 42, 43, 44, 45, 46, 47, 48 and 49 of this act, shall be recodified as Sections 18-50 through 18-62 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 251. RECODIFICATION 2 O.S. 1991, Sections 1451, 1452, 1453, 1453.1, 1454, 1455, 1456, 1457 and 1458, as amended by Sections 50, 51, 52, 53, 54, 55, 56, 57 and 58 of this act, shall be recodified as Sections 8-80.1 through 8-80.9 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 252. RECODIFICATION 2 O.S. 1991, Section 1501, as amended by Section 59 of this act, 1502, as last amended by Section 60 of this act, 1503, 1504, 1505, 1506, 1507 and 1508, as amended by Sections 61, 62, 63, 64, 65 and 66 of this act, 1508.1, as last amended by Section 67 of this act, 1509, 1510, 1511, 1512 and 1513, as amended by Sections 68, 69, 70, 71 and 72 of this act, 1514, as last amended by Section 73 of this act, and 1515 and 1516, as amended by Sections 74 and 75 of this act, shall be recodified as Sections 18-180 through 18-196 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 253. RECODIFICATION 2 O.S. 1991, Sections 1601 and 1602, as amended by Sections 76 and 77 of this act, shall be recodified as Sections 6-303 and 6-304 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering. 2 O.S. 1991, Sections 1603 and 1604, as amended by Sections 78 and 79 of this act, shall be recodified as Sections 5-1.1 and 18-10, respectively, of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 254. RECODIFICATION 2 O.S. 1991, Sections 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711 and 1713

and Section 2, Chapter 265, O.S.L. 2000 (2 O.S. Supp. 2000, Section 1715), as amended by Sections 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91 and 92 of this act, shall be recodified as Sections 8-85.1 through 8-85.13 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 255. RECODIFICATION Section 6, Chapter 185, O.S.L. 1996 (2 O.S. Supp. 2000, Section 1750), as amended by Section 93 of this act, shall be recodified as Section 9-141 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering. 2 O.S. 1991, Sections 1751, 1752 and 1753, as last amended by Sections 94, 95 and 96 of this act, shall be recodified as Sections 9-142 through 9-144 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering. Sections 10 and 11, Chapter 185, O.S.L. 1996 (2 O.S. Supp. 2000, Sections 1753.1 and 1753.2), as amended by Sections 97 and 98 of this act, shall be recodified as Sections 9-145 and 9-146 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering. 2 O.S. 1991, Section 1754, as last amended by Section 99 of this act, shall be recodified as Section 9-147 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 256. RECODIFICATION Section 1, Chapter 266, O.S.L. 1992 (2 O.S. Supp. 2000, Section 1551.1), shall be recodified as Section 18-120 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 257. RECODIFICATION 2 O.S. 1991, Sections 1761 and 1762, as last amended by Sections 100 and 101 of this act, 1763, as amended by Section 102 of this act, and 1764, shall be recodified as Sections 5-81 through 5-84 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 258. RECODIFICATION 2 O.S. 1991, Sections 1765, as amended by Section 103 of this act, 1766 and 1767, as last amended by Sections 104 and 105 of this act, and 1768 and 1769, as

amended by Sections 106 and 107 of this act, shall be recodified as Sections 5-85 through 5-89 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 259. RECODIFICATION 2 O.S. 1991, Sections 1901, 1902, 1903, 1904, 1905 and 1906, as amended by Sections 108, 109, 110, 111, 112 and 113 of this act, 1907, as last amended by Section 114 of this act, and 1908, as amended by Section 115 of this act, shall be recodified as Sections 11-20 through 11-27 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 260. RECODIFICATION 2 O.S. 1991, Sections 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018, as amended by Sections 116, 117, 118, 119, 120, 121, 122 and 123 of this act, shall be recodified as Sections 11-35 through 11-42 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering. 2 O.S. 1991, Section 2021, as amended by Section 124 of this act, shall be recodified as Section 11-80 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 261. RECODIFICATION Section 1, Chapter 357, O.S.L. 1994 (2 O.S. Supp. 2000, Section 3001), as amended by Section 125 of this act, shall be recodified as Section 5-91 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering. Sections 2, 3 and 4, Chapter 357, O.S.L. 1994 (2 O.S. Supp. 2000, Sections 3002, 3003 and 3004), as last amended by Sections 126, 127 and 128 of this act, shall be recodified as Sections 5-92 through 5-94 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 262. RECODIFICATION Sections 1, 2 and 3, Chapter 159, O.S.L. 1995 (2 O.S. Supp. 2000, Sections 3010, 3011 and 3012), as amended by Sections 129, 130 and 131 of this act, shall be recodified as Sections 5-100 through 5-102 of Title 2 of the

Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 263. RECODIFICATION Section 1, Chapter 74, O.S.L. 1996 (2 O.S. Supp. 2000, Section 3021), as amended by Section 132 of this act, shall be recodified as Section 5-111 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 264. RECODIFICATION 2 O.S. 1991, Section 9-151, as amended by Section 110, Chapter 243, O.S.L. 2000 (2 O.S. Supp. 2000, Section 9-151), shall be recodified as Section 5-2.1 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 265. RECODIFICATION Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Sections 1850.1, 1850.2, 1850.3, 1850.4, 1850.5, 1850.6, 1850.7, 1850.8, 1850.9, 1850.10, 1850.11 and 1850.12), as amended by Sections 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144 and 145 of this act, shall be recodified as Sections 18-240 through 18-251 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 266. RECODIFICATION 2 O.S. 1991, Sections 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44 and 45, as amended by Sections 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158 and 159 of this act, shall be recodified as Sections 15-1 through 15-14 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 267. RECODIFICATION 2 O.S. 1991, Sections 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81 and 82, as amended by Sections 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170 and 171 of this act, shall be recodified as Sections 15-21 through 15-32 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 268. RECODIFICATION 2 O.S. 1991, Section 91, as amended by Section 172 of this act, and Section 1, Chapter 50, O.S.L. 1999 (2 O.S. Supp. 2000, Section 91.1), as amended by Section 173 of this act, shall be recodified as Sections 15-51 and 15-52 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering. 2 O.S. 1991, Sections 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 104a and 104b, as amended by Sections 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187 and 188 of this act, 104c, as last amended by Section 189 of this act, and 104d, 104e, 104e.1, 104f, 104g, 104h, 104i, 104j, 104k and 104m, as amended by Sections 190, 191, 192, 193, 194, 195, 196, 197, 198 and 199 of this act, shall be recodified as Sections 15-53 through 15-78 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 2, Chapter 120, O.S.L. 1992 (2 O.S. Supp. 2000, Section 104n), and 2 O.S. 1991, Sections 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120 and 121, as amended by Sections 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216 and 217 of this act, shall be recodified as Sections 15-79 through 15-96 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 269. RECODIFICATION 2 O.S. 1991, Sections 131.1 and 131.2, as amended by Sections 218 and 219 of this act, shall be recodified as Sections 15-111 and 15-112 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 2, Chapter 114, O.S.L. 1993 (2 O.S. Supp. 2000, Section 131.3A), and 2 O.S. 1991, Section 131.4, as last amended by Sections 220 and 221 of this act, shall be recodified as Sections 15-113 and 15-114 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering. 2 O.S. 1991, Sections 131.5, 131.6, 131.7, 131.8, 131.9, 131.10, 131.11, 131.12, 131.13, 131.14, 131.15, 131.16 and 131.17, as amended by Sections 222, 223, 224, 225, 226,

227, 228, 229, 230, 231, 232, 233 and 234 of this act, shall be recodified as Sections 15-115 through 15-127 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 270. RECODIFICATION 2 O.S. 1991, Sections 157.1, 157.2, 157.3, 157.4, 157.5, 157.6 and 157.7, as amended by Sections 235, 236, 237, 238, 239, 240 and 241 of this act, shall be recodified as Section 15-141 through 15-147 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 271. RECODIFICATION 2 O.S. 1991, Sections 161, 162 and 163, as amended by Sections 242, 243 and 244 of this act, shall be recodified as Sections 15-161 through 15-163 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 272. REPEALER 2 O.S. 1991, Sections 131.18, 247, 248, 250, 738.4, 738.5, 794, 951, 952, 953, 1459, 1460, 1712, 2001, 2002, 2003, 2004, 2005, 2006, 2007, Section 2, Chapter 74, O.S.L. 1996 and Section 1, Chapter 49, O.S.L. 1998 (2 O.S. Supp. 2000, Sections 3022 and 3030), are hereby repealed.

SECTION 273. 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.

48-1-6624 KSM 6/12/15