

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 655

By: Littlefield of the Senate

and

Roberts of the House

COMMITTEE SUBSTITUTE

An Act relating to mines and mining; amending 45 O.S. 1991, Sections 801, as amended by Section 1, Chapter 33, O.S.L. 1995 and 802 (45 O.S. Supp. 2000, Section 801), which relate to the Ottawa Reclamation Authority; modifying sunset date; authorizing certain sales of chat; authorizing authority to study and promote sale of chat for certain purposes; assessing fee on sale of chat; providing procedures for payment of fee; stating uses of fee proceeds; creating the Ottawa County Chat Marketing Enhancement Act; creating the Ottawa County Chat Marketing Authority; creating and providing for appointment of Board of Directors for Ottawa County Chat Marketing Authority; providing for powers and duties of Authority and Board; assessing fee on sale of chat to be collected by Authority; providing for penalties for failure to pay fee; authorizing Authority to receive funds; requiring annual financial statement be prepared by Authority; exempting projects or property acquired by Authority from payment of taxes or assessments; permitting Authority to make application to federal government for foreign trade zone status; providing for legal remedies; providing for equal employment in all Authority projects; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 45 O.S. 1991, Section 801, as amended by Section 1, Chapter 33, O.S.L. 1995 (45 O.S. Supp. 2000, Section 801), is amended to read as follows:

Section 801. There is hereby re-created, to continue until July 1, ~~2001~~ 2006, in accordance with the provisions of the Oklahoma Sunset Law ~~Section 3901 et seq. of Title 74~~, a land restoration and reclamation district within this state to be known as the Ottawa

Reclamation Authority, hereinafter called the district. The district shall consist of that part of this state which is included within the boundaries of those counties having hard metal mines and mining. The district shall be a governmental agency and a body politic and corporate, with powers of government and with the authority to exercise the rights, privileges, and functions specified in this section and Sections 802 through 815 of this title, including the acquisition, control, restoration, preservation, and reclamation of certain hazardous lands located within the district in order that said lands be made safe and suitable for sale to or use by the public in such manner and method as may be determined by the district.

~~Nothing~~ Except as specifically provided in this act, which authorizes a fee upon the sale of chat, nothing in this section or in Sections 802 through 815 of this title shall be construed as authorizing the district to levy or collect taxes or assessments, or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of this state or any subdivision of this state.

SECTION 2. AMENDATORY 45 O.S. 1991, Section 802, is amended to read as follows:

Section 802. The district is hereby authorized to exercise the following powers, rights, and privileges:

(a) To acquire control, restore, preserve, and reclaim within the boundaries of the district certain hazardous lands in order that said lands may be made safe and suitable for use by or sale to the public or members thereof;

(b) To prevent or aid in the prevention of damage to any person or property as the result of any usage of any lands belonging to said district;

(c) To acquire by purchase, lease, gift or devise and to maintain, use and operate any and all property of any kind, real, personal or mixed, or any interest therein, and to own, construct,

operate and maintain any project or works or equipment in conjunction or jointly with any other department or agency of the State of Oklahoma or the United States of America or any department or agency thereof within the boundaries of the district necessary or convenient to the exercise of the powers, rights, privileges, and functions conferred upon it by this act. Nothing in this act shall be construed as granting to the district the power of eminent domain or condemnation;

(d) Subject to the provisions of this act from time to time to sell, lease or otherwise dispose of any property of any kind, real, personal, or mixed, or any interest therein, which shall not be necessary to the carrying on of the business of the district;

(e) To construct, extend, improve, maintain and reconstruct, to cause to be constructed, extended, improved, maintained and reconstructed, and to use and operate any and all facilities of any kind necessary or convenient to the exercise of such powers, rights, privileges and functions;

(f) To sue and be sued in its corporate name;

(g) To adopt, use and alter a corporate seal;

(h) To make bylaws for the management and regulation of its affairs;

(i) To appoint officers, agents and employees, prescribe their duties and to fix their compensation; and enter into contracts with labor unions; provided, contracts of labor unions shall not abrogate the rights of the district to cooperate and carry out veterans on the job training;

(j) To make contracts and to execute instruments necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by this act;

(k) To borrow money for its corporate purposes from any source and pledge its assets as security for the repayment of said loan or loans and, without limitation on the generality of the foregoing, to

borrow money and accept grants from the United States of America, or from any corporation or agency created or designated by the United States of America, and in connection with such loan or grant to enter into such agreements as the United States of America or such corporation or agency may require, and to make and issue its negotiable bonds for monies borrowed, in the manner provided in this act;

(l) To prescribe and enforce rules and regulations for the use for recreational, farming, industrial and commercial purposes and other proper usage of any land owned or formerly owned by the district; ~~and~~

(m) To administer a program to study and promote the sale and use of granular mine tailings from lead and zinc mining, commonly known as "chat", for purposes that are safe and practical; and

(n) To do any and all other acts or things necessary or convenient to the exercise of the powers, rights, privileges or functions conferred upon it by this act or any act or law. Provided said district shall not be liable for any damage where it is not liable on general principles of law, statute or constitutional provision.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 808.1 of Title 45, unless there is created a duplication in numbering, reads as follows:

There is hereby assessed a fee of two cents (\$0.02) per ton upon the sale of chat, pursuant to Section 802 of Title 45 of the Oklahoma Statutes. The seller of the chat shall become liable to the Ottawa Reclamation Authority for the payment of the fee at the time of the sale and shall remit payments on a quarterly basis. Each payment shall be due within thirty (30) days following the end of the calendar quarter. The proceeds of this fee shall be used by the Ottawa Reclamation Authority to promote the sale and use of chat for purposes that are safe and practical.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 820 of Title 45, unless there is created a duplication in numbering, reads as follows:

Sections 4 through 22 of this act shall be known and may be cited as the "Ottawa County Chat Marketing Enhancement Act".

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 821 of Title 45, unless there is created a duplication in numbering, reads as follows:

As used in the Ottawa County Chat Marketing Enhancement Act:

1. "Authority" means the Ottawa County Chat Marketing Authority as authorized by this act;

2. "Board" or "board of directors" means the governing body of the Authority as authorized in Section 6 of this act; and

3. "Person" means individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, nations, federal, state or local governments, government or other agencies, subdivisions of the state, municipalities, counties, business entities, and all other groups or combinations.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 822 of Title 45, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created for the purpose of enhancing the marketing of Ottawa County chat a body corporate and politic, to be known as the "Ottawa County Chat Marketing Authority". The Authority is hereby constituted an agency of this state, and the exercise by the Authority of the powers conferred by this act shall be deemed to be essential governmental functions of this state with all the attributes thereof.

B. It shall be the purpose, function, and responsibility of the Authority to serve as a central point of contact for the marketing of Ottawa County chat, identify and propose additional viable uses

of chat, build and operate facilities that reduce the cost of transporting chat to market, locate and coordinate backhaul opportunities for chat haulers, and foster cooperation among chat owners and shippers and regulatory agencies to promote safe uses of chat. In carrying out this responsibility, the Authority may advise and cooperate with municipalities, counties, regional authorities, state agencies and organizations, appropriate federal agencies and organizations, and other interested persons and groups.

C. The Authority is hereby granted and may exercise all powers necessary to carry out and effectuate its purpose including, but not limited to, the following:

1. Sue and be sued by its name in any court of competent jurisdiction;

2. Adopt and use an official seal and alter the same at its pleasure;

3. Make and execute any and all contracts and other instruments necessary or convenient to the exercise of its powers;

4. Acquire property, real, personal, intangible, tangible, or mixed, in fee simple or any lesser interest or estate, by purchase, gift, devise, or lease, on such terms and conditions as the Authority may deem necessary or desirable, and sell or otherwise dispose of the same and of any of the assets and properties of the Authority;

5. Lease as lessor or lessee to or from any person, public or private, any facilities or property of any nature for the use of the Authority and to carry out any of the purposes of the Authority;

6. Acquire by condemnation land and such interest therein as may be necessary in its determination for the purposes established by this act;

7. Own, acquire, construct, develop, create, reconstruct, equip, operate, maintain, extend and improve facilities needed by the Authority to carry out the purposes of this act, including

facilities appropriate to facilitate enhanced utilization of chat;  
and

8. Undertake a program of advertising to the public and promoting the Ottawa County businesses and facilities related to chat, and the projects of the Authority, and expend monies and undertake such activities to carry out such advertising and promotional programs as the Board from time to time may determine.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 823 of Title 45, unless there is created a duplication in numbering, reads as follows:

A. The Ottawa County Chat Marketing Authority shall be subject to the Administrative Procedures Act, the Oklahoma Open Meeting Act, and the Oklahoma Open Records Act, except as provided in subsection B of this section.

B. Any information held by the Authority that is a trade secret, as defined in the Uniform Trade Secrets Act, including trade secrets of the Authority, any chat user, or the chat industry, is confidential and may not be disclosed. If the Authority determines that any information requested by the public will reveal a trade secret, it shall, in writing, inform the person making the request of that determination. The Authority may hold executive sessions, as authorized by the Oklahoma Open Meeting Act, when trade secrets are discussed, and any minutes, recordings, or notes from such sessions are deemed confidential.

C. The Authority shall be granted sovereign immunity in the same manner as this state, and the liability of the Authority and its members, officers, and employees shall be governed by the provisions of the Governmental Tort Claims Act. Provided, however, the Authority is authorized to carry liability insurance to the extent authorized by the Authority.

D. The Authority shall be exempt from the provisions of the Public Competitive Bidding Act of 1974 and the competitive bidding

provisions set forth in Section 85.7 of Title 74 of the Oklahoma Statutes.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 824 of Title 45, unless there is created a duplication in numbering, reads as follows:

A. There is created, within the Ottawa County Chat Marketing Authority, the Board of Directors consisting of seven (7) members who shall be appointed by the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. Each member appointed to serve on the Board shall have experience in an industry that uses or has the potential to use chat for beneficial purposes, or shall have other relevant experience.

B. The Governor shall appoint three members for terms of three (3) years. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint two members to serve terms of four (4) years or until a successor is appointed and qualified. The term of the members shall commence on the date of appointment and terminate on June 30 of the year of the end of the term. Except as prohibited by the Oklahoma Constitution, appointment to the Board shall not preclude any member from holding any other private or public position.

C. The Governor has the authority to remove from the Board any member in the manner and for cause as defined by the laws of this state and applicable to situations that may arise before the Board. Unless excused by the chair of the Board, a member's absence from two (2) or more consecutive Board meetings creates a vacancy in the office to which the member was appointed.

D. The Board shall designate a member to serve as chair of the Board and shall serve a two-year term as chair.

E. 1. The Board shall hold its initial meeting no later than twenty (20) days after the members have been appointed. Meetings shall be held quarterly or more frequently at the call of the chair.

A majority of the members of the Board shall constitute a quorum, and a majority vote of the members present is necessary for any action taken by the Board.

2. At its initial meeting, or as soon thereafter as is practicable, the Board shall appoint a chief executive officer. The Board shall determine the annual salary of the chief executive officer.

F. Each member shall be reimbursed for expenses incurred in the performance of duties on behalf of the authority as provided for in the State Travel Reimbursement Act.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 825 of Title 45, unless there is created a duplication in numbering, reads as follows:

A. The Board of Directors shall employ an individual who is a resident of this state as chief executive officer of the Authority, who shall have charge of the funds of the Authority. Such funds shall be disbursed only upon the order of or pursuant to the resolution of the Board by warrant, check, authorization or automatic deposit signed or authorized by the chief executive officer or the chief executive officer's representative or by such other persons as may be authorized by the Board. The Board may give the chief executive officer such other powers and duties as the Board may deem appropriate, and shall establish the chief executive officer's compensation. The Board shall require the chief executive officer to give a bond in a minimum amount of One Hundred Thousand Dollars (\$100,000.00) and on such terms and with such sureties as may be deemed satisfactory to the Board to secure the performance by the chief executive officer of the powers and duties of the chief executive officer. The Board shall audit or have audited the books of the Authority at least once a year. The Board shall follow generally accepted accounting procedures in the execution of financial matters.

B. The Board is authorized to select as depositories in which the funds of the Authority shall be deposited any bank or other financial institution organized under the laws of this state or under the laws of the United States, doing business in this state, upon such terms and conditions as to the payment of interest by such depository upon the funds so deposited as the Board may deem just and reasonable.

C. The Board of Directors may in its discretion invest funds of the Authority in the following:

1. Direct obligations of or obligations guaranteed by the United States of America or for the payment of the principal and interest of which the faith and credit of the United States is pledged;

2. Bonds or notes issued by any of the following federal agencies: Bank for Cooperatives, Federal Intermediate Credit Banks, Federal Home Loan Bank System, Federal Land Banks, or Federal National Mortgage Association, including debentures or participating certificates issued by such Association;

3. Bonds or other interest-bearing obligations of any county, district, city, or town located in this state for which the full faith and credit of such political subdivision is pledged; or

4. Any investment authorized for insurers under the Oklahoma Insurance Code.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 826 of Title 45, unless there is created a duplication in numbering, reads as follows:

The powers and duties of the Authority shall be exercised by and through the Board of Directors. Without limiting the generality of the foregoing, the Board shall have the power and authority to:

1. Adopt, amend, and repeal rules in accordance with the Administrative Procedures Act to carry out the purposes of this act;

2. Maintain an office at such place or places as it may designate;

3. Execute all contracts and other documents necessary or desirable to carry out the purposes of this act; provided, the Board may authorize one or more members of the Board to execute contracts and other documents on behalf of the Board or the Authority;

4. Hire employees, including an individual to act as the chief executive officer of the Authority with such duties and powers as the Board may prescribe;

5. Execute intergovernmental agreements as provided by law;

6. Establish reserve funds for future Board operations;

7. Engage in planning to enhance marketing and use of Ottawa County chat;

8. Enter into agreements for the joint development of properties necessary or convenient for the enhanced marketing and use of Ottawa County chat;

9. Act as the central point of contact for marketing, loading, and transporting chat;

10. Build and operate facilities to reduce the cost of transporting chat to distant markets;

11. Optimize the transportation cost of chat by locating and coordinating backhaul opportunities for rail and truck shippers into Ottawa County;

12. Foster cooperation between chat owners, transporters and the regulating agencies for the safe, economic, and effective sale and use of chat;

13. Work within federal and state laws and regulations to remove barriers that hinder the sale and use of chat so the marketing efforts will be effective and profitable, and make recommendations to the appropriate agencies for changes in laws and regulations that would enhance economic reuse of chat;

14. Identify and obtain financial assistance provided within the regulatory framework for remediation of chat piles, and use the financial assistance to reduce transportation costs to markets;

15. Work with the Bureau of Indian Affairs to facilitate the sale of chat on Native American-owned land, including acting as the liaison between regulatory agencies and the BIA on liability issues related to the lifting of the moratorium and the sale of chat;

16. Extend marketing, loading, transporting, and financial assistance to cover all chat, including chat under the jurisdiction of the Bureau of Indian Affairs;

17. Identify regulatory inconsistencies between federal and state agencies and work with appropriate agencies for equal regulatory treatment of all raw chat, regardless of its ownership and location;

18. Promote the development of chat-use guidelines which establish safe, effective, and economical use of chat. Coordinate these efforts with the United States Environmental Protection Agency, the Oklahoma Department of Environmental Quality, and appropriate county, state, and federal agencies;

19. Provide, to the extent funds are available, any testing processes necessary to implement the chat-use guidelines to foster reuse of chat, and work with the United States Environmental Protection Agency and the Oklahoma Department of Environmental Quality to identify testing protocols; and

20. Identify and implement available funding to establish reasonable cost-testing protocols and services to chat owners, transporters, and buyers.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 827 of Title 45, unless there is created a duplication in numbering, reads as follows:

A. The Authority is hereby authorized and empowered to acquire by purchase, or condemnation, real property and such interest

therein as may be necessary in its determination for the purpose of establishing, constructing, maintaining, or operating facilities that enhance the marketing, transportation, or economical use of Ottawa County chat upon such terms and at such price as may be considered by the Authority to be reasonable and can be agreed upon between the Authority and the owner of the land. The Authority shall take title to the property in its name; provided, however, such right and title shall be limited to the surface rights only and shall not include oil or other mineral rights.

B. 1. Except in instances where there are nonresident owners, unknown heirs, imperfect titles, and owners whose whereabouts cannot be ascertained with reasonable diligence, the Authority shall give the owner an opportunity to sell the necessary real property or interests therein to the Authority before exercising the power of condemnation.

2. In cases where the Authority exercises the power of condemnation, the Authority shall be governed by the provisions of Section 1708 of Title 69 of the Oklahoma Statutes.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 828 of Title 45, unless there is created a duplication in numbering, reads as follows:

A. The departments, agencies, and political subdivisions of this state are authorized to aid and cooperate with the Authority in carrying out any of the purposes and projects of the Authority and to enter into cooperative agreements with the Authority for such purposes. These agreements may include the furnishing by the Authority to the departments, agencies, or political subdivisions of this state of any of the facilities and services of the Authority. These agreements also may include the furnishing by the departments, agencies, or political subdivisions of this state to the Authority and to persons engaged in the chat industry facilities and services of the type that the Authority is authorized to furnish or

undertake. Such cooperative agreements may provide for the furnishing by any county, municipality, or other political subdivision of this state of fire and police protection for the Authority and persons and property within the Authority.

B. Without limitation of the foregoing, the Authority may undertake and finance any of the projects of the Authority, in whole or in part, jointly with any municipality or municipalities, or in any other manner combine the projects of the Authority with the projects of such municipality or municipalities.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 829 of Title 45, unless there is created a duplication in numbering, reads as follows:

A. 1. To finance the costs of its operation, the Authority shall assess and collect from producers a fee of two cents (\$0.02) per ton of Ottawa County chat sold.

2. Such fees shall be remitted to the Authority no later than thirty (30) days after chat producers collect the proceeds from a sale of chat.

B. In the event that the fee is not paid as and when due, the chat producer shall be in default, and the unpaid balance thereof and all interest accrued thereon, together with attorney fees and costs, may be recovered by the Authority in a civil action.

C. In the event that the fees are not paid when due, the Authority shall have the power to discontinue its services to the chat producer until such fees including interest, penalties, and any other charges are fully paid. The Authority may recover such delinquent fees or other charges, together with interest, penalties, and reasonable attorney fees and other expenses, by suit in any court of competent jurisdiction. The Authority may also enforce payment of such delinquent fees or other charges by any other lawful method of enforcement.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 830 of Title 45, unless there is created a duplication in numbering, reads as follows:

A. Except as provided in subsection B of this section, the Authority is authorized to accept and receive federal monies, and other monies, either public or private, for the acquisition, development, construction, enlargement, improvement, maintenance, equipment, or operation of facilities, and for other purposes contained in this act and to comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of federal monies.

B. The Authority is not authorized to accept or receive from any source whatsoever any monies under any terms or conditions which limit, curtail, or preempt the power or prerogatives of the state or its political subdivisions.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 831 of Title 45, unless there is created a duplication in numbering, reads as follows:

All monies received pursuant to the authority of this act shall be deemed to be trust funds, to be held and applied solely as provided in this act.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 832 of Title 45, unless there is created a duplication in numbering, reads as follows:

The Authority shall make and submit to the Governor, the Speaker of the Oklahoma House of Representatives, and the President Pro Tempore of the State Senate, within ninety (90) days of the close of the Authority's fiscal year, a full report showing anticipated projects, projects under construction and projects in operation, and the financial condition of the Authority and the sinking fund of each separate project, and such other information as the Governor shall require. The annual financial statements must be audited and

filed in accordance with the requirements set forth for financial statement audits in Section 212A of Title 74 of the Oklahoma Statutes.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 833 of Title 45, unless there is created a duplication in numbering, reads as follows:

The exercise of the powers granted by this act will be in all respects for the benefit of the people of the state. The operation and maintenance of projects by the Authority will constitute the performance of essential governmental functions, and the Authority shall not be required to pay any taxes or assessments upon any project or any property acquired or used by the Authority under the provisions of this act or upon the income therefrom.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 834 of Title 45, unless there is created a duplication in numbering, reads as follows:

The Authority shall have the power to apply to the federal government for a grant allowing the designation of any of its facilities as a foreign trade zone.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 835 of Title 45, unless there is created a duplication in numbering, reads as follows:

No member of the Board of Directors shall be deemed to have an interest in any contract of the Authority with any person by reason of the fact that such Board member is related to such person or is a director, officer, employee, stockholder, partner, or agent of such person. Contracts of the Authority with any such person shall not be invalid or unenforceable by reason of such interest, provided that each member of the Board shall have submitted to the Board a statement of the member's interest in or relationship to such person prior to the approval or authorization of the contract by the Authority. The statement shall be maintained as part of the

permanent record book of the Authority for as long as the contract continues in effect and for not less than one (1) year thereafter.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 836 of Title 45, unless there is created a duplication in numbering, reads as follows:

The Board of Directors or any aggrieved person may have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions of this act, including injunctive relief to enjoin or restrain any person from violating the provisions of this act, and any rules, resolutions, procedures, and orders adopted under this act. The court shall, upon proof of any such violation, have the duty to issue temporary and permanent injunctions as are necessary to prevent further violation thereof. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, land, or water is used, in violation of this act, or of any rules, resolutions, procedures, or orders adopted under authority conferred by this act or under law, the Board may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or avoid such violations, to prevent the occupancy of such building, structure, land, or water, and to prevent any illegal act, conduct, business, or use in or about such premises, land, or water.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 837 of Title 45, unless there is created a duplication in numbering, reads as follows:

It is the intent of the Legislature and public policy of this state that women, minorities, and socially, physically, and economically disadvantaged business enterprises be encouraged to participate fully in all phases of economic and community development. Accordingly, to achieve such purpose, the Authority

shall, in accordance with applicable state and federal law, involve and utilize women, minorities, and socially, physically, and economically disadvantaged business enterprises in all phases of its activities.

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 838 of Title 45, unless there is created a duplication in numbering, reads as follows:

The provisions of this act shall be liberally construed to effect its purposes and shall be deemed cumulative, supplemental, and alternative authority for the exercise of the powers provided herein.

SECTION 23. 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.

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