

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

2ND CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 660

By: Easley of the Senate

and

Rice of the House

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to agriculture; amending Section 3, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.3), as amended by Section 136 of Enrolled House Bill No. 1378 of the 1st Session of the 48th Oklahoma Legislature, and as recodified by Section 266 of Enrolled House Bill No. 1378 of the 1st Session of the 48th Oklahoma Legislature, which relates to the Oklahoma Sorghum Commission; modifying limitation on term of office; amending 2 O.S. 1991, Section 1301-102, as last amended by Section 2 of Enrolled House Bill No. 1633 of the 1st Session of the 48th Oklahoma Legislature, and as recodified by Section 56 of Enrolled Senate Bill No. 522 of the 1st Session of the 48th Oklahoma Legislature, which relates to the Oklahoma Forestry Code; modifying definition; updating statutory cite; amending Section 3, Chapter 357, O.S.L. 1994 (2 O.S. Supp. 2000, Section 3003), as last amended by Section 127 of Enrolled House Bill No. 1378 of the 1st Session of the 48th Oklahoma Legislature, and as recodified by Section 262 of Enrolled House Bill No. 1378 of the 1st Session of the 48th Oklahoma Legislature, which relates to the Oklahoma International Trade Development Council; modifying the number of yearly Council meetings; amending 74 O.S. 1991, Section 85.42, as last amended by Section 21, Chapter 339, O.S.L. 2000 (74 O.S. Supp. 2000, Section 85.42), which relates to the Oklahoma Central Purchasing Act; adding the Department of Agriculture, Food, and Forestry to the list of agencies who may contract with individuals who have retired from state service; stating contingency; making appropriation; stating purpose; repealing 2 O.S. 1991, Section 1301-102, as last amended by Section 4 of Enrolled Senate Bill No. 522 of the 1st Session of the 48th Oklahoma Legislature, which relates to the Oklahoma Forestry Code; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 3, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.3), as amended by Section 136 of Enrolled House Bill No. 1378 of the 1st Session of the 48th Oklahoma Legislature, and as recodified by Section 266 of Enrolled House Bill No. 1378 of the 1st Session of the 48th Oklahoma Legislature, is amended to read as follows:

Section 1850.3 A. There is 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 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 District 2,
- c. four (4) years for District 3,
- 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 full five-year 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 vacated. The Commission shall submit, in writing, the name of 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 the

member was elected,

shall be sufficient cause for removal from office.

SECTION 2. AMENDATORY 2 O.S. 1991, Section 1301-102, as last amended by Section 2 of Enrolled House Bill No. 1633 of the 1st Session of the 48th Oklahoma Legislature, and as recodified by Section 56 of Enrolled Senate Bill No. 522 of the 1st Session of the 48th Oklahoma Legislature, is amended to read as follows:

Section 1301-102. As used in the Oklahoma Forestry Code:

1. "Director" means the Director of Forestry of the State Department of Agriculture;

2. "Division" means the Forestry Division of the State Department of Agriculture;

3. "Established property line" means any boundary line which has been:

- a. recognized by adjoining land owners as a boundary and uncontested for at least fifteen (15) years including, but not limited to, fence lines, roads, and natural features,
- b. established by a registered land surveyor, or
- c. uncontested for at least fifteen (15) years;

4. "Forest rangers" means all employees of the Forestry Division who have responsibilities in forest protection, including laborers, mechanics, and other employees who assist in forest protection;

5. "~~Forests~~ Forest" means a tract of ~~wooded land or dense trees~~ that is at least ten percent (10%) stocked by trees of any size, whether of commercial or noncommercial species, or formerly having tree cover and not currently developed for nonforest use, including woodlands, woodlots, windbreaks, and shelterbelts;

6. "Logging or timber harvesting operations" means the cutting or harvesting of and removal of timber from a site, leaving the root mass intact;

7. "Owner" means the possessor of a fee interest, a tenant, lessee, occupant, or other person in lawful control of land;

8. "Prescribed burning" means the controlled application by the owner of croplands, rangelands, or forestlands of fire to naturally occurring vegetative fuel under specified environmental conditions and following appropriate precautionary measures, which causes the fire to be confined to a predetermined area and accomplish land management objectives. Any person conducting a prescribed burn shall comply with the provisions of Section ~~5~~ 16-28.2 of this ~~act~~ title;

9. "Timber" means live and dead trees and the profit in any live and dead trees including, but not limited to, bark, foliage, wood, vines, firewood, crossties, and shrubbery;

10. "Timber owner" means any person who owns the right to cut or harvest timber at the time the timber is to be cut or harvested, or who legally owns the severed timber;

11. "Wildfires" means any fire which is not controlled on forests, grasslands, unimproved fields, or croplands; and

12. "Wild lands" means any unimproved lands regardless of kind of vegetative plant cover including forests, prairies, marshes, and swamps.

SECTION 3. AMENDATORY Section 3, Chapter 357, O.S.L. 1994 (2 O.S. Supp. 2000, Section 3003), as last amended by Section 127 of Enrolled House Bill No. 1378 of the 1st Session of the 48th Oklahoma Legislature, and as recodified by Section 262 of Enrolled House Bill No. 1378 of the 1st Session of the 48th Oklahoma Legislature, 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 State 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, and
- 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 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 quarterly each year, and at 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 with any person to accomplish the purposes of 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 Council by race, gender, and geographical area.

SECTION 4. AMENDATORY 74 O.S. 1991, Section 85.42, as last amended by Section 21, Chapter 339, O.S.L. 2000 (74 O.S. Supp. 2000, Section 85.42), is amended to read as follows:

Section 85.42 A. Except as otherwise provided for in this section, any agency, whether or not such agency is subject to the Oklahoma Central Purchasing Act, Section 85.1 et seq. of this title, is prohibited from entering into a sole source contract or a contract for professional services with or for the services of any person, who has terminated employment with or who has been terminated by that agency for one (1) year after the termination date of the employee from the agency. The provisions of this subsection shall not prohibit an agency from hiring or rehiring such person as a state employee.

B. Each contract entered into by any person or firm with the State of Oklahoma shall include an affidavit certifying that no person who has been involved in any manner in the development of that contract while employed by the State of Oklahoma shall be employed to fulfill any of the services provided for under said contract. This subsection shall not preclude faculty and staff of the institutions within The State System of Higher Education from negotiating and participating in research grants and educational contracts. Nor shall this subsection apply to personnel of the Capital Resources Division of the Oklahoma Department of Commerce who contract to provide services to the Oklahoma Capital Investment Board.

C. As used in this section, person is defined as any state official or employee of a department, board, bureau, commission, agency, trusteeship, authority, council, committee, trust, school district, fair board, court, executive office, advisory group, task force, study group, supported in whole or in part by public funds or entrusted with the expenditure of public funds or administering or operating public property, and all committees, or subcommittees thereof, judges, justices, and state legislators.

D. An agency may enter into a sole source contract or a contract for professional services at any time with a person who is a qualified interpreter for the deaf.

E. The Department of Transportation, Oklahoma Water Resources Board, Department of Environmental Quality, and the Oklahoma Turnpike Transportation Authority and the State Department of Agriculture may enter into a contract for professional services at any time with a person who has retired from state service.

SECTION 5. Contingent upon enactment of Enrolled Senate Bill No. 495 of the 1st Session of the 48th Oklahoma Legislature, there is hereby appropriated to the State Department of Agriculture from any monies not otherwise appropriated from the General Revenue Fund

of the State Treasury for the fiscal year ending June 30, 2002, the sum of Fifty-five Thousand Dollars (\$55,000.00) or so much thereof as may be necessary to implement the Poultry Waste Management Monitoring Plan.

SECTION 6. REPEALER 2 O.S. 1991, Section 1301-102, as last amended by Section 4 of Enrolled Senate Bill No. 522 of the 1st Session of the 48th Oklahoma Legislature, is hereby repealed.

SECTION 7. This act shall become effective July 1, 2001.

SECTION 8. 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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