

3 ENGROSSED

4 House Bill No. 1378

5 ENGROSSED HOUSE BILL NO. 1378 - By: COVEY of the House and MUEGGE of  
6 the Senate.

7 An Act relating to agriculture; amending 2 O.S. 1991,  
8 Sections 738.1, 738.2, 738.3, 751, 752, 753, 754, 755, 756,  
9 788.1, 788.2, 788.3, 788.4, 788.5, 788.6, 791, 792, 793,  
10 1021, 1022, as last amended by Section 1, Chapter 94, O.S.L.  
11 2000, 1023, 1024, 1025, 1027, 1028, 1029, 1030, as amended  
12 by Section 1, Chapter 16, O.S.L. 1998, 1031, as amended by  
13 Section 2, Chapter 16, O.S.L. 1998, 1032, 1033, 1034, 1035,  
14 1036, 1036.1, 1037, 1038, 1101, 1102, 1103, as last amended  
15 by Section 1, Chapter 93, O.S.L. 2000, 1104, 1105, 1106,  
16 1107, 1108, 1109, 1109.1, 1110, 1112, 1113, 1451, 1452,  
17 1453, 1453.1, 1454, 1455, 1456, 1457, 1458, 1501, 1502, as  
18 last amended by Section 1, Chapter 97, O.S.L. 2000, 1503,  
19 1504, 1505, 1506, 1507, 1508, 1508.1, as amended by Section  
20 1, Chapter 87, O.S.L. 1995, 1509, 1510, 1511, 1512, 1513,  
21 1514, as amended by Section 1, Chapter 173, O.S.L. 2000,  
22 1515, 1516, 1601, 1602, 1603, 1604, 1701, 1702, 1703, 1704,  
23 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1713, Section 2,  
24 Chapter 265, O.S.L. 2000, Section 6, Chapter 185, O.S.L.  
25 1996, 1751, as amended by Section 7, Chapter 185, O.S.L.  
26 1996, 1752, as amended by Section 8, Chapter 185, O.S.L.  
27 1996, 1753, as amended by Section 9, Chapter 185, O.S.L.  
28 1996, Section 10, Chapter 185, O.S.L. 1996, Section 11,  
29 Chapter 185, O.S.L. 1996, 1754, as amended by Section 12,  
30 Chapter 185, O.S.L. 1996, 1761, as amended by Section 1,  
31 Chapter 367, O.S.L. 1997, 1762, as amended by Section 2,  
32 Chapter 367, O.S.L. 1997, 1763, 1765, 1766, as last amended  
33 by Section 1, Chapter 88, O.S.L. 1995, 1767, as last amended  
34 by Section 1, Chapter 4, O.S.L. 1999, 1768, 1769, 1901,  
35 1902, 1903, 1904, 1905, 1906, 1907, as last amended by  
36 Section 41, Chapter 5, 1st Extraordinary Session, O.S.L.  
37 1999, 1908, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018,  
38 2021, Section 1, Chapter 357, O.S.L. 1994, Section 2,  
39 Chapter 357, O.S.L. 1994, as amended by Section 1, Chapter  
40 72, O.S.L. 1996, Section 3, Chapter 357, O.S.L. 1994, as  
41 last amended by Section 2, Chapter 72, O.S.L. 1996, Section

1 4, Chapter 357, O.S.L. 1994, as amended by Section 3,  
2 Chapter 72, O.S.L. 1996, Section 1, Chapter 159, O.S.L.  
3 1995, Section 2, Chapter 159, O.S.L. 1995, Section 3,  
4 Chapter 159, O.S.L. 1995, Section 1, Chapter 74, O.S.L.  
5 1996, Section 9, Chapter 367, O.S.L. 2000, Section 1,  
6 Chapter 151, O.S.L. 1997, Section 2, Chapter 151, O.S.L.  
7 1997, Section 3, Chapter 151, O.S.L. 1997, Section 4,  
8 Chapter 151, O.S.L. 1997, Section 5, Chapter 151, O.S.L.  
9 1997, Section 6, Chapter 151, O.S.L. 1997, Section 7,  
10 Chapter 151, O.S.L. 1997, Section 8, Chapter 151, O.S.L.  
11 1997, Section 9, Chapter 151, O.S.L. 1997, Section 10,  
12 Chapter 151, O.S.L. 1997, Section 11, Chapter 151, O.S.L.  
13 1997, Section 12, Chapter 151, O.S.L. 1997, 31, 32, 33, 34,  
14 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 71, 72, 73, 74, 75,  
15 76, 77, 78, 79, 80, 81, 82, 91, Section 1, Chapter 50,  
16 O.S.L. 1999, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102,  
17 103, 104, 104a, 104b, 104c, 104d, 104e, 104e.1, 104f, 104g,  
18 104h, 104i, 104j, 104k, 104m, Section 2, Chapter 120, O.S.L.  
19 1992, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115,  
20 116, 117, 118, 119, 120, 121, 131.1, 131.2, Section 2,  
21 Chapter 114, O.S.L. 1993, as amended by Section 1, Chapter  
22 154, O.S.L. 1994, 131.4, as amended by Section 3, Chapter  
23 114, O.S.L. 1993, 131.5, 131.6, 131.7, 131.8, 131.9, 131.10,  
24 131.11, 131.12, 131.13, 131.14, 131.15, 131.16, 131.17,  
25 157.1, 157.2, 157.3, 157.4, 157.5, 157.6, 157.7, 161, 162  
26 and 163 (2 O.S. Supp. 2000, Sections 3-32.9, 91.1, 104n,  
27 131.3A, 131.4, 1022, 1030, 1031, 1103, 1502, 1508.1, 1514,  
28 1715, 1750, 1751, 1752, 1753, 1753.1, 1753.2, 1754, 1761,  
29 1762, 1766, 1767, 1850.1, 1850.2, 1850.3, 1850.4, 1850.5,  
30 1850.6, 1850.7, 1850.8, 1850.9, 1850.10, 1850.11, 1850.12,  
31 1907, 3001, 3002, 3003, 3004, 3010, 3011, 3012 and 3021),  
32 which relate to the Oklahoma Agricultural Code, agricultural  
33 fairs and expositions, the Oklahoma Wheat Resources Act, the  
34 Oklahoma Peanut Act, the Oklahoma Agricultural Liming  
35 Materials Act, the Oklahoma Sheep and Wool Producers Act,  
36 the Soil Amendment Act, the Livestock Dealers Act, the  
37 Oklahoma Agricultural Linked Deposit Program, the Oklahoma  
38 Fuel Alcohol Act, the Oklahoma Agriculture Biotechnology  
39 Act, the Oklahoma International Trade Development Act and  
40 the Oklahoma Sorghum Commission; adding, deleting, moving  
41 and modifying definitions; clarifying and updating language;  
42 changing certain qualifications for membership of the  
43 Oklahoma Sorghum Commission; adding sunset date; expanding  
44 term of office for certain district; modifying certain  
45 refund requirements; modifying sample ballot language and  
46 clarifying language related to agricultural fairs and county

1 fairs; updating language; providing for recodification;  
2 repealing 2 O.S. 1991, Sections 131.18, 247, 248, 250,  
3 738.4, 738.5, 794, 951, 952, 953, 1459, 1460, 1712, 2001,  
4 2002, 2003, 2004, 2005, 2006, 2007, Section 2, Chapter 74,  
5 O.S.L. 1996 and Section 1, Chapter 49, O.S.L. 1998 (2 O.S.  
6 Supp. 2000, Sections 3022 and 3030), which relate to  
7 severability, hog cholera, penalties and certain rules,  
8 tuition waivers for farmers and ranchers and their spouses,  
9 qualifications for retraining and administration of program,  
10 certain strategic plans and the Task Force on Agricultural  
11 Cooperatives; and declaring an emergency.

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

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

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

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

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

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

25 4. "Poultry" means domesticated raw fowl;

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

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

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

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

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

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

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

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

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

21        Section 738.2 When advertising poultry ~~and/or~~ or poultry  
22 products and using the words "inspected", "inspected for  
23 wholesomeness", "USDA inspected", "state inspected", or any other

1 term ~~which~~ that suggests or implies ~~such~~ the product has been  
2 inspected, and a price is stated, the correct grade also shall be  
3 stated, as grade A, B, or C.

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

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

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

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

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

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

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

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

6       ~~4.~~ 5. "Purchase price" means an amount of money, based on  
7 estimated butterfat content and other common industry standards at  
8 the time of delivery, that a milk processor agrees to pay a dairy  
9 farmer for a purchase of raw milk; ~~and~~

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

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

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

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

1 a. the dairy farmer has ~~failed to receive~~ not received  
2 payment of the purchase price for the milk and ~~the~~  
3 ~~dairy farmer~~ has given written notice by ~~registered~~  
4 certified mail, return receipt requested, to the milk  
5 processor ~~by the end of the 30th day after~~ within  
6 thirty (30) days following the final date ~~for the~~  
7 payment of the purchase price that such payment has  
8 ~~not been received;~~ is due, or

9 b. a payment instrument received by the dairy farmer from  
10 the milk processor has been dishonored and the dairy  
11 farmer has given written notice by ~~registered~~  
12 certified mail, return receipt requested, to the milk  
13 processor ~~by the end of the 15th~~ within fifteen (15)  
14 business day days after the ~~day that the~~ notice of  
15 dishonor was received.

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

22 B. 1. The milk processor shall deposit, ~~upon receipt, into the~~  
23 ~~escrow account~~ a ~~proportional~~ share of all payments received from

1 the sale of milk or dairy products by the milk processor which is  
2 equal to the amount of the milk sold by the dairy farmer to the milk  
3 processor in proportion to the total amount of milk purchased for  
4 the sale of the milk and dairy products by the milk processor into  
5 the escrow account upon receipt. ~~Such~~ The payments shall be  
6 deposited in the escrow account until the dairy farmer has received  
7 full payment of the purchase price for the milk.

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

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

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

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

22 D. For the purposes of this section, the monies held by the  
23 escrow account agent shall be ~~deemed to be~~ the property of the dairy

1 farmer, or dairy farmers if ~~such~~ the monies have been commingled, in  
2 the current amount due to each or in proportion to the amount due  
3 each.

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

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

8 1. Payment of the purchase price is made according to the  
9 provisions prescribed by an applicable federal milk marketing order;

10 2. Any additional provisions are agreed on by both the dairy  
11 farmer or ~~his~~ the agent of the dairy farmer and the milk processor;  
12 and

13 3. The medium of exchange used is cash, a check for the full  
14 amount of the purchase price, or a wire transfer of money in the  
15 full amount.

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

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

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

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

3 1. The purchase price of the raw milk;

4 2. Interest on the purchase price at the rate fixed by law for  
5 civil judgments commencing from the date possession is transferred  
6 until the date the payment is made ~~in accordance with this act~~; and

7 3. A reasonable ~~attorney's~~ attorney fee for the collection of  
8 the payment.

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

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

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

22 Section 788.1 No person shall use, ~~orally or in writing,~~  
23 ~~relative to any agricultural or vegetable seeds, or any tubers for~~

1 ~~seeding purposes, or plants or plant parts, sold or advertised or~~  
2 ~~offered for sale in this state,~~ the term "certified", alone or with  
3 other words, ~~except as hereinafter provided,~~ or ~~shall so~~ use any  
4 other term or words which ~~suggests that they have been certified by~~  
5 ~~an~~ suggest certification by a designated inspection agency,  
6 ~~designated as hereinafter provided~~ orally or in writing, relative to  
7 any agricultural or vegetable seeds, any tubers for seeding  
8 purposes, or plants or plant parts, sold or advertised for sale in  
9 Oklahoma, except as provided by this subarticle. If ~~such~~ the seeds,  
10 tubers, plants, or plant parts were produced in another state or  
11 foreign country, certification by the legally constituted  
12 certification officials of ~~such a~~ state, ~~or~~ country, or of the  
13 United States, shall be sufficient; ~~otherwise, certification.~~  
14 Certification in Oklahoma shall be by the Agricultural Experiment  
15 Station and the Agricultural Extension Service of the Oklahoma State  
16 University, Division of Agriculture ~~Agricultural Sciences~~ and  
17 ~~Applied Science~~ Natural Resources, or by an agency which they  
18 designate.

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

21 Section 788.2 Every person, ~~firm, association or corporation~~  
22 who ~~shall issue~~ issues, ~~use~~ uses, or ~~circulate~~ circulates any  
23 certificate, advertisement, tag, seal, poster, letterhead, ~~marking~~

1 marketing circular, written or printed representation, or  
2 description ~~of or~~ pertaining to seeds, tubers, plants, or plant  
3 parts intended for propagation or sale, ~~or sold, or offered for sale~~  
4 ~~wherein the words "Oklahoma State Certified"; "State Certified";~~  
5 ~~"Oklahoma Certified", or similar words or phrases are used or~~  
6 ~~employed, or wherein are used or employed,~~ which contains signs,  
7 symbols, maps, diagrams, pictures, words, or phrases, ~~expressed or~~  
8 ~~implied, stating or representing~~ including but not limited to  
9 "Oklahoma State Certified", "State Certified", or "Oklahoma  
10 Certified", which expressly or impliedly state or represent that  
11 ~~such~~ the seeds or plant parts comply with ~~or conform to~~ the  
12 standards or requirements approved by the Agricultural Experiment  
13 Station and the Agricultural Extension Service of the Oklahoma State  
14 University, Division of Agriculture Agricultural Sciences and  
15 ~~Applied Science~~ Natural Resources, shall be subject to the  
16 provisions of this ~~act~~ subarticle. Every issuance, use, or  
17 circulation of any certificate ~~and/or~~ or any other instrument, as  
18 described in this section ~~above described~~, shall be deemed to be  
19 "certification" ~~as that term is employed in this act.~~

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

22 Section 788.3 Every person, ~~firm, association, or corporation~~  
23 subject to the provisions of this ~~act~~ subarticle shall ~~observe,~~

1 ~~perform and~~ comply with all rules, ~~regulations~~ and requirements  
2 ~~fixed, established or~~ specified by the Agricultural Experiment  
3 Station and the Agricultural Extension Service of the Oklahoma State  
4 University, Division of Agriculture Agricultural Sciences and  
5 ~~Applied Science as to what~~ Natural Resources regarding:

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

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

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

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

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

22 Section 788.4 Certification work, whether conducted by the  
23 Agricultural Experiment Station and the Agricultural Extension

1 Service of the Oklahoma State University, Division of Agriculture  
2 Agricultural Sciences and ~~Applied Science~~ Natural Resources, or by  
3 an agency designated by them, shall be on a self-supporting basis  
4 and shall not be performed for financial profit.

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

7 Section 788.5 The Agricultural Experiment Station and the  
8 Agricultural Extension Service of the Oklahoma State University,  
9 Division of Agriculture Agricultural Sciences and ~~Applied Science~~  
10 Natural Resources shall not be financially responsible for debts  
11 incurred by, damages inflicted by, or contracts broken by designated  
12 certifying agencies in conducting certification work as authorized  
13 by this ~~act~~ subarticle.

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

16 Section 788.6 It shall be unlawful for any person, ~~firm,~~  
17 ~~association or corporation~~ to issue, make, use, or circulate any  
18 certification, ~~as defined in this act,~~ without the authority and  
19 approval of the Agricultural Experiment Station and the Agricultural  
20 Extension Service of the Oklahoma State University, Division of  
21 ~~Agriculture~~ Agricultural Sciences and ~~Applied Science~~ Natural  
22 Resources, or its duly authorized agency ~~as herein provided~~. Every  
23 person, ~~firm, association or corporation~~ who ~~shall violate~~ violates

1 any of the provisions of this ~~act~~ subarticle pertaining to  
2 certification shall be ~~deemed~~ guilty of a misdemeanor, and upon  
3 conviction thereof shall be fined not less than One Hundred Dollars  
4 (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each  
5 offense.

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

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

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

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

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

17 Section 792. It shall be unlawful to distribute, sell, or offer  
18 for sale, for other than seeding purposes, within the State of  
19 Oklahoma, any barley, corn, cotton, oats, peanuts, rye, sorghums,  
20 soybeans, wheat, or other seed, cereals, or grain that has been  
21 treated with a fungicide, unless it is sold separately from  
22 untreated seed or grain, and ~~there accompanies the sale a~~  
23 ~~certificate, affidavit, or tag~~ accompanies the sale stating that the

1 grain, seed, or cereal has been chemically treated and cannot be  
2 used for "food, feed, or oil purposes".

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

5 Section 793. Any person violating any of the provisions of this  
6 ~~act~~ subarticle shall be guilty of a misdemeanor, and, upon  
7 conviction, ~~may~~ shall be fined not more than One Thousand Dollars  
8 (\$1,000.00).

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

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

13 SECTION 20. AMENDATORY 2 O.S. 1991, Section 1022, as  
14 last amended by Section 1, Chapter 94, O.S.L. 2000 (2 O.S. Supp.  
15 2000, Section 1022), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 C. The five members of the Commission, ~~referred to in~~  
17 ~~subsections A and B of this section,~~ shall be residents of and have  
18 farming operations in those areas of the state designated below as  
19 Districts I through V, one from each District:

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

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

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

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

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

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

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

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

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

7 Section 1025. A. Within thirty (30) days after the effective  
8 date of this act, the five (5) appointive members of the Oklahoma  
9 Wheat Utilization, Research and Market Development Commission shall  
10 be appointed as follows: The member from District I for a term  
11 ending June 30, 1966; the member from District II for a term ending  
12 June 30, 1967; the member from District III for a term ending June  
13 30, 1968; the member from District IV for a term ending June 30,  
14 1969; and the member from District V for a term ending June 30,  
15 1970.

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

20 C. Each member shall hold office until ~~his~~ a successor is  
21 appointed and has qualified. A member appointed to fill a vacancy  
22 occurring before the expiration of a term of a member ~~separated from~~

1 ~~the Commission~~ for any cause shall be appointed for the remainder of  
2 the term ~~of the member whose office has been so vacated.~~

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

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

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

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

21 B. The Commission shall appoint a full-time Director who shall  
22 carry out the provisions of ~~this act~~ the Oklahoma Wheat Resources  
23 Act. The Director shall not be one of the appointed Commission

1 members. No Acting Director or Assistant Director shall serve in a  
2 dual capacity while retaining membership as a Commission member.

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

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

- 12 1. Establish an office in Oklahoma City in the Capitol or a  
13 capitol office building;
- 14 2. Formulate the general policies and programs of the State of  
15 Oklahoma respecting the discovery, promotion, and development of  
16 markets and industries for the utilization of wheat, such policies  
17 and programs to be closely coordinated with the State Board of  
18 Agriculture;
- 19 3. Adopt and devise a program of education and publicity;
- 20 4. Cooperate with local, state, national or other  
21 organizations, whether public or private, or voluntary or created by  
22 state or national law, engaged in work or activities involving the  
23 expenditure of monies promoting the use of chemicals beneficial to

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

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

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

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

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

8           9. ~~To expend~~ Expend Commission funds for the purchase of awards  
9 and plaques used in promotional projects, baking contests and  
10 recognition of individuals who have made substantial contributions  
11 to the wheat industry.

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

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

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

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

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

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

1 continued, ~~at any time after five (5) years following the effective~~  
2 ~~date of this act.~~

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

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

19 YES ( ) NO ( )

20 C. Places within each county for conducting ~~said~~ the referendum  
21 shall be designated by the Agricultural Extension Division of  
22 Oklahoma State University, ~~and voting~~. Voting in each county shall  
23 be supervised by the county agricultural extension agent, or a

1 person designated by the Extension Division in cases where there is  
2 no county agent in a county at the time of the referendum.

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

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

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

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

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

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

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

7        Section 1032. A. In the case of a pledge or mortgage of wheat  
8 as security for a loan under the federal price support program, the  
9 promotional fee levied pursuant to the provisions of the Oklahoma  
10 Wheat Resources Act shall be deducted from the proceeds of such  
11 loans at the time the loans are made, or shall be deducted  
12 thereafter by agencies of the federal government, ~~and Producer's~~  
13 ~~Note.~~ Any producer's note and Loan Agreement (Commodity Loan Form  
14 ~~B) loan agreement or Producer's Note~~ producer's note and  
15 ~~Supplemental Loan Agreement (Commodity Loan Form A)~~ supplemental  
16 loan agreement or Delivery Instructions (Commodity Purchaser Form 3)  
17 delivery instructions issued by the federal agency to the producer  
18 are hereby approved as fulfilling the requirements for invoices, and  
19 ~~the~~ such forms ~~herein approved~~ shall be deemed to constitute proof  
20 of payment of ~~such~~ the promotional fee on the wheat listed thereon.

21        B. Supplemental or alternate forms which may be proposed by the  
22 Commodity Credit Corporation and contained the necessary information

1 may be used without revision of ~~this act~~ the Oklahoma Wheat  
2 Resources Act.

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

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

20 E. In connection with the collection of the wheat promotional  
21 fee on Commodity Credit Corporation wheat loans disbursed and  
22 purchase agreement settlement made, undercollections or  
23 overcollections of the wheat promotional fee amounting to One Dollar

1 (\$1.00) or less as a result of errors, will not require collection  
2 of the underpayment or refund of the overpayment by Commodity Credit  
3 Corporation and their responsibility in such cases shall be waived.

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

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

15 ~~(b)~~ B. In case any person, business or entity, public or  
16 private, subject to the fee ~~hereunder~~, fails to make a report and  
17 remittance ~~when and as herein~~ required, the Director of the  
18 Commission shall determine the amount of ~~such the~~ fee according to  
19 his or her best judgment and information, ~~which.~~ The amount so  
20 fixed by the Director shall be prima facie correct, ~~and such.~~ The  
21 person ~~so~~ having failed to make ~~such the~~ report shall, within ten  
22 (10) days after notice of the amount of the fee so fixed and  
23 computed by the ~~director~~ Director is mailed to such person, pay ~~said~~

1 the fee, together with a penalty of five percent (5%) on the amount  
2 of the fee ~~or he~~. The person may dispute the fee as fixed by the  
3 Director and request the ~~commission~~ Commission to hold a hearing to  
4 determine the amount of the fee and penalty to be imposed. No  
5 payment shall be made until the ~~commission~~ Commission enters its  
6 order determining the amount of ~~such~~ the payment, ~~but such~~. When  
7 the Commission determines the amount of the payment, the payment  
8 shall be paid within ten (10) days of notice of such decision.

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

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

21 B. The report shall be available to the public. A copy shall  
22 be sent to each producer upon whom the fees levied by ~~Section 1030~~

1 ~~of this title is~~ pursuant to the Oklahoma Wheat Resources Act are  
2 assessed.

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

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

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

12 Section 1035. A. Any person, firm or corporation subject to  
13 the fee provided in ~~Section 1030 of this title~~ the Oklahoma Wheat  
14 Resources Act that objects to the collection of the fee may, within  
15 one hundred twenty (120) days following such collection, make  
16 application to the Director of the Oklahoma Wheat Utilization,  
17 Research and Market Development Commission for a refund of ~~such the~~ the  
18 fee and upon. Upon receipt of ~~said the~~ the application ~~such the~~ the  
19 Commission shall refund ~~shall be made~~ the fee within thirty (30)  
20 days. Application forms for a refund ~~purposes~~ shall be furnished by  
21 the Commission and shall be made available at all places where the  
22 fee is required to be collected.

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

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

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

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

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

1           Section 1036.1 By order of the director of the Oklahoma Wheat  
2 Utilization, Research and Market Development Commission, with  
3 approval of the members of the ~~commission~~ Commission, any of the  
4 monies in the Wheat Utilization, Research and Market Development  
5 Commission Revolving Fund may be invested in securities of the state  
6 or federal government. The monies may also be deposited in  
7 certificates of deposit or in savings accounts or certificates of  
8 any bank, trust company or savings and loan association insured by a  
9 federal agency. These securities, certificates of deposit, savings  
10 accounts or savings certificates shall be placed in the care of the  
11 State Treasurer, who shall collect the principal and interest when  
12 due and pay both into the Oklahoma Wheat Utilization, Research and  
13 Market Development Commission Revolving Fund.

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

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

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

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

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

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

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

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

12 ~~(1)~~ 1. "Commission" means the Oklahoma Peanut Commission-i

13 ~~(2)~~ 2. "Grower" means any natural person engaged in growing  
14 peanuts-i

15 ~~(3)~~ 3. "First purchaser" is any person, public or private  
16 corporation, association or partnership buying or otherwise  
17 acquiring after harvest the property in or to peanuts from a grower.  
18 A mortgagee, pledgee, lienor or other person, public or private,  
19 having a claim against the grower under a nonrecourse loan made  
20 against such peanuts after harvest thereof shall be deemed a  
21 purchaser ~~hereunder, provided, the~~ The term "first purchaser"  
22 shall not include a harvesting or threshing lienee-i

1       ~~(4)~~ 4. "Commercial channels" is the sale of peanuts for use as  
2 food, feed, seed or any industrial or chemurgic use, when sold to  
3 any commercial buyer, dealer, processor, cooperative, or to any  
4 person, public or private, who resells any peanuts or product  
5 produced from peanuts-; and

6       ~~(5)~~ 5. "Sale" includes any pledge or mortgage of peanuts, after  
7 harvest, to any person, public or private.

8       SECTION 39.       AMENDATORY       2 O.S. 1991, Section 1103, as  
9 last amended by Section 1, Chapter 93, O.S.L. 2000 (2 O.S. Supp.  
10 2000, Section 1103), is amended to read as follows:

11       Section 1103. A. There is hereby created the Oklahoma Peanut  
12 Growers Association composed of all peanut growers paying the  
13 assessment provided in ~~Section 1108 of this title~~ the Oklahoma  
14 Peanut Act. There is hereby re-created, to continue until July 1,  
15 2006, in accordance with the provisions of the Oklahoma Sunset Law,  
16 the Oklahoma Peanut Commission composed of six (6) members selected  
17 from districts ~~hereinafter~~ described- as follows:

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

23       2. District II shall consist of the following counties:

1 Atoka, Bryan, Choctaw, Coal, Haskell, Hughes, LeFlore, McCurtain,  
2 McIntosh, Okfuskee, Pittsburg, Pushmataha, Latimer, Sequoyah, Adair,  
3 Cherokee, Delaware, Ottawa, Craig, Mayes, Rogers, Nowata and  
4 Washington; and

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

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

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

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

1        E. The members of the Commission first appointed after April  
2 18, 1969, shall hold their offices as follows:

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

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

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

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

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

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

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

20        Section 1105. A. A member of the ~~commission~~ Oklahoma Peanut  
21 Commission may cease to hold his or her position on the ~~commission~~  
22 Commission for any of the following reasons, at the discretion of a

1 majority of the ~~commission~~ Commission, upon resolution duly adopted  
2 by the ~~commission~~ Commission dismissing such member:

3 ~~(1)~~ 1. Failure to attend two or more regular meetings of the  
4 ~~commission~~ Commission;

5 ~~(2)~~ 2. Ceasing to be a resident of the district from which he  
6 was appointed; and

7 ~~(3)~~ 3. Ceasing to be actually engaged in growing peanuts or  
8 participating in the program by not paying the assessment as  
9 provided for in ~~this act~~ the Oklahoma Peanut Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 D. All funds expended in the administration of ~~Sections 1103~~  
22 ~~through 1113 of this title~~ the Oklahoma Peanut Act and for the  
23 payment of all claims whatsoever growing out of the performance of

1 any duties or activities pursuant to ~~Sections 1103 through 1113 of~~  
2 ~~this title~~ the Oklahoma Peanut Act shall be paid from the proceeds  
3 derived from subsection A of this section. In the case of a  
4 lienholder who is a first purchaser ~~as defined herein~~, the  
5 assessment shall be deducted by the lienholder from the proceeds of  
6 the claim secured by such lien at the time the peanuts are pledged  
7 or mortgaged. ~~Said~~ The assessment shall constitute a preferred lien  
8 and shall have priority over all other liens and encumbrances upon  
9 such peanuts. The assessment shall be deducted and paid as herein  
10 provided whether such peanuts are stored in this or any other state.

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

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

18 B. There is hereby created in the State Treasury a revolving  
19 fund for the Oklahoma Peanut Commission, to be designated the  
20 Oklahoma Peanut Commission Revolving Fund. The fund shall consist  
21 of all assessments received by the ~~commission~~ Commission. The fund  
22 shall be administered in accordance with the provisions of the  
23 Revolving Fund Procedures Act.

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

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

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

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

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

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

1 such peanuts may be found, or in which such peanuts shall have been  
2 commingled with other peanuts.

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

5 Section 1112. Any person who ~~shall violate~~ violates any of the  
6 provisions of ~~this act~~ the Oklahoma Peanut Act shall be deemed  
7 guilty of a misdemeanor, and upon conviction thereof shall be  
8 punished by a fine of not less than Twenty-five Dollars (\$25.00) nor  
9 more than Five Hundred Dollars (\$500.00).

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

12 Section 1113. A. Before any change in assessment can be made,  
13 a referendum of the members of the Oklahoma Peanut Growers  
14 Association shall be conducted to determine the proportion of the  
15 members that favor continuation of the program and the proportion of  
16 the members that favor discontinuing the program. Thereafter, such  
17 referendum shall be conducted no more ~~often~~ than once every three  
18 (3) years upon the receipt by the Oklahoma Peanut Commission of  
19 petitions requesting a referendum signed by at least ten percent  
20 (10%) of the members of the Oklahoma Peanut Growers Association.

21 B. At any time a referendum is to be held, the Commission shall  
22 write a definition of a producer eligible to vote, and shall cause a  
23 notice to be given, by letter or publication in the official

1 publication of the Oklahoma Peanut Commission. The Commission shall  
2 send ballots to those persons eligible to vote and shall set the  
3 final date for ballots to be returned for tabulation. The  
4 Commission shall provide for the printing of ballots and shall  
5 furnish a double envelope system so that the identity of a voter  
6 cannot be determined. The grower shall return the ballots by way of  
7 a sealed envelope, pre-addressed to the President of the State Board  
8 of Agriculture.

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

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

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

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

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

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

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

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

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

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

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

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

4       7. "Fineness" means the percentage by weight of the material  
5 ~~which will pass~~ passing U. S. standard sieves of specified sizes.  
6 The State Board of Agriculture shall promulgate rules relating to  
7 fineness and shall be guided by the American Society for Testing  
8 Materials specification for sieve sizes;

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

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

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

17       ~~10.~~ 11. "Industrial ~~by-products~~ coproducts" means any industrial  
18 waste or by-product containing calcium or calcium and magnesium in  
19 forms that will neutralize soil acidity and it may be designated by  
20 prefixing the name of the industry or process used for its  
21 production;

1       ~~11.~~ 12. "Label" means any written or printed matter on or  
2 attached to the package or on the delivery ticket or invoice which  
3 accompanies bulk shipments;

4       ~~12.~~ 13. "Limestone" means a material consisting essentially of  
5 calcium carbonate or a combination of calcium carbonate with  
6 magnesium carbonate capable of neutralizing soil acidity;

7       ~~13.~~ 14. "Marl" means a granular or loosely consolidated earthy  
8 material composed largely of sea shell fragments and calcium  
9 carbonate;

10       ~~14.~~ 15. "Percent" or "percentage" means by weight; and

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

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

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

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

22       ~~19.~~ ~~"License" means a written document issued to a person by~~  
23 ~~the Board which shows that the person has met all of the licensing~~

1 ~~requirements established by the Oklahoma Agricultural Liming~~  
2 ~~Materials Act.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11           B. If distributed in bulk, a written or printed statement of  
12 the weight, as well as the information required by paragraphs 1, 2,  
13 3 and 5 of subsection A of Section ~~1453~~ 8-80.3 of ~~Title 2 of the~~  
14 ~~Oklahoma Statutes~~ this title, shall accompany delivery and be  
15 supplied to the purchaser.

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

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

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

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

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

17 Section 1455. A. It shall be unlawful for any person to engage  
18 in the spreading of liming materials on properties belonging to  
19 others unless ~~such~~ the person has a current vendor's license issued  
20 by the State Board of Agriculture.

21 B. Application for ~~such~~ a license shall be in the form  
22 prescribed by the Board and shall state the name and address of the  
23 applicant and the number of spreader trucks or similar vehicles to

1 be used by the applicant. The application shall be accompanied by  
2 an annual license fee of Twenty-five Dollars (\$25.00). Each license  
3 shall expire December 31 of each year.

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

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

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

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

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

4        ~~C.~~ E. The Board may publish and distribute semiannually or  
5 annually to each person, distributor, registrant, licensee, and  
6 other interested persons a report showing the tons of agricultural  
7 liming material sold in each county of Oklahoma. This report shall  
8 in no way divulge the operation of any registrant, distributor, or  
9 licensee.

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

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

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

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

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

9 Section 1458. A. The State Board ~~through its authorized agent~~  
10 of Agriculture may issue and enforce a written or printed "stop-sale  
11 order" to the owner or custodian of any agricultural liming  
12 materials, to hold ~~such~~ the materials at a designated place when it  
13 finds ~~said~~ agricultural liming materials are being offered or  
14 exposed for sale in violation of any of the provisions of the  
15 Oklahoma Agricultural Liming Materials Act or rules until:

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

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

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

22 B. The Board or its authorized agent shall release the  
23 agricultural liming materials when the requirements of the

1 provisions of the Oklahoma Agricultural Liming Materials Act have  
2 been complied with and all costs and expenses incurred in connection  
3 with the stop-sale order have been paid.

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

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

9 SECTION 60. AMENDATORY 2 O.S. 1991, Section 1502, as  
10 last amended by Section 1, Chapter 97, O.S.L. 2000 (2 O.S. Supp.  
11 2000, Section 1502), is amended to read as follows:

12 Section 1502. There shall be re-created, to continue until July  
13 1, 2006, in accordance with the provisions of the Oklahoma Sunset  
14 Law, the Sheep and Wool Utilization, Research and Market Development  
15 Commission for the utilization, research and market development of  
16 sheep and wool produced in Oklahoma.

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

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

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

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

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

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

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

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

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

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

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

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

7        ~~1.~~ a. District I (Northwest), consisting of Alfalfa, Beaver,  
8 Blaine, Cimarron, Garfield, Grant, Harper, Kay,  
9 Kingfisher, Logan, Major, Noble, Payne, Roger Mills,  
10 Texas, Woods, and Woodward Counties~~†~~†

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

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

21        ~~4.~~ d. District IV (Northeast), consisting of Adair,  
22 Cherokee, Craig, Creek, Delaware, Lincoln, Mayes,  
23 Muskogee, Nowata, Okfuskee, Okmulgee, Osage, Ottawa,

1 Pawnee, Rogers, Sequoyah, Tulsa, Wagoner, and  
2 Washington Counties.

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

5 Section 1505. A. The Oklahoma Sheep and Wool Producers,  
6 Incorporated, shall call the original election of members to the  
7 Sheep and Wool Utilization, Research and Market Development  
8 Commission, provided that all. All subsequent elections shall be  
9 called by the Oklahoma Sheep and Wool Utilization, Research and  
10 Market Development Commission. All producers who have paid a fee  
11 during the current year, as provided in ~~Section 1509 of this title~~  
12 the Sheep and Wool Producers Act, shall be eligible to vote in the  
13 election of members of the Commission, if no part of the fee has  
14 been returned to the producer by the Commission. All sheep and wool  
15 producers in the state, as defined in ~~Section 1503 of this title~~ by  
16 the Sheep and Wool Producers Act, shall be eligible to vote in the  
17 election of the initial members of the Commission. The election of  
18 subsequent at large Commission members shall be by mail as provided  
19 in subsection ~~D~~ E of this section.

20 B. Within thirty (30) days after the establishment of the  
21 Oklahoma Sheep and Wool Utilization, Research and Market Development  
22 Commission ~~pursuant to Section 1502 of this title~~, the Oklahoma  
23 Sheep and Wool Producers, Incorporated, shall call meetings of the

1 sheep and wool producers in each of the districts established in  
2 Section ~~1504~~ 18-183 of this title, for the purpose of electing  
3 members of the Oklahoma Sheep and Wool Utilization, Research and  
4 Market Development Commission. A producer shall be entitled to vote  
5 for candidates for the Commission to represent his or her respective  
6 district, the state at large and a major purebred breed. It shall  
7 be the responsibility of the producer to prove ~~his~~ eligibility to  
8 vote.

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

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

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

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

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

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

1        ~~D.~~ E. 1. Ballots shall be published at the request of the  
2 Commission in any market news service made available to Oklahoma  
3 sheep and wool producers. Nominations for election to the  
4 Commission for the three at large members shall be published in the  
5 market news service in April of each year that a term of office for  
6 a Commissioner expires or is vacated with a deadline for selecting  
7 three of those nominated for the final runoff election. The names  
8 of the three persons receiving the greatest number of votes shall be  
9 published in the market news service which is published in May.  
10 Ballots for voting for the Commission member shall be published in  
11 the market news service in June with a July 1st deadline for mailing  
12 the ballots.

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

19        ~~2.~~ 3. Nominations for the District members of the Commission  
20 shall be made only from sheep and wool producers in that District.  
21 Nominations for the members of the Commission to be elected at large  
22 shall be made from sheep and wool producers statewide.

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

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

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

12 Section 1507. At the first meeting of the Sheep and Wool  
13 Utilization, Research and Market Development Commission, ~~it~~ the  
14 Commission shall elect a ~~chairman~~ chair, ~~vice-chairman~~ vice-chair,  
15 secretary and treasurer from among ~~its members~~ the membership, and  
16 thereafter at the first meeting of each fiscal year. The Commission  
17 shall meet at least once every three (3) months and at such other  
18 times as called by the ~~chairman~~ chair or by a majority of the  
19 Commission.

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

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

1        1. Make such reasonable expenditures of funds as is necessary  
2 to carry out the provisions of ~~this act~~ the Oklahoma Sheep and Wool  
3 Producers Act;

4        2. Devise, adopt and conduct a program of education and  
5 publicity;

6        3. Cooperate with local, state or national organizations,  
7 whether public or private, in carrying out the purposes of ~~this act~~  
8 the Oklahoma Sheep and Wool Producers Act, and to enter into such  
9 contracts as may be necessary; ~~provided, however, no.~~ No Commission  
10 funds shall be used, directly or indirectly, or as a result of  
11 contract or agreement with other persons or organizations, in  
12 supporting or opposing political candidates, political  
13 officeholders, and legislation, either state or national;

14        4. ~~Adopt~~ Promulgate such rules ~~and regulations~~ as are necessary  
15 to promptly and effectively administer the provisions of ~~this act~~  
16 the Oklahoma Sheep and Wool Producers Act;

17        5. Conduct, in addition to the things enumerated, any other  
18 program for the utilization, research and market development of  
19 sheep and wool produced in the State of Oklahoma;

20        6. Call and conduct such meetings and elections as may be  
21 necessary in carrying out the provisions of ~~this act~~ the Oklahoma  
22 Sheep and Wool Producers Act; and

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

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

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

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

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

22           B. If the dealer is the first purchaser, such dealer shall  
23 remit the applicable fee or fees to the Commission. In the case of

1 wool gathered or held at a common point, cooperative or wool pool  
2 for later sale, the applicable fee or fees shall be remitted to the  
3 Sheep and Wool Utilization, Research and Market Development  
4 Commission at the time of the final settlement with the producer or  
5 producers thereof.

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

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

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

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

21 C. The President shall announce the referendum at least thirty  
22 (30) days prior to the day of voting. At least thirty (30) days  
23 before the referendum the President shall mail a notice of said

1 referendum to all known sheep and wool producers in the State of  
2 Oklahoma who market sheep or wool. The notice shall specify the  
3 dates, times and places for holding the referendum and shall include  
4 a sample ballot with the following wording:

5 DO YOU FAVOR A CONTINUATION OF THE FIFTEEN CENT (\$0.15)  
6 ASSESSMENT PER HEAD ON SHEEP MARKETED IN OKLAHOMA AND THE ONE  
7 CENT (\$0.01) ASSESSMENT PER POUND ON WOOL MARKETED IN OKLAHOMA  
8 FOR UTILIZATION, RESEARCH AND MARKET DEVELOPMENT?  
9 YES \_\_\_\_\_ NO \_\_\_\_\_

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

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

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

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

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

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

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

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

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

20        Section 1511. A. A purchaser shall render and have on file a  
21 report with the Sheep and Wool Utilization, Research and Market  
22 Development Commission by the fifteenth day of each calendar quarter  
23 following any calendar quarter in which such purchaser has purchased

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

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

1 shall be paid within ten (10) days of notice of ~~such~~ the payment  
2 decision.

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

5 Section 1512. A. The ~~chairman~~ chair of the Sheep and Wool  
6 Utilization, Research and Market Development Commission shall make  
7 an annual report to the Governor, within thirty (30) days after  
8 January 1 of each year, showing in detail all income and  
9 expenditures and any other facts relevant to ~~this act~~ the Oklahoma  
10 Sheep and Wool Producers Act. ~~Such~~ The annual report shall include  
11 a list of all officers and employees of the Commission and shall  
12 indicate the official positions of such officers and employees and  
13 their salaries ~~paid thereto~~. ~~Such~~ The report shall be available to  
14 the public.

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

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

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

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

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

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

20 Section 1514. A. The Sheep and Wool Utilization Research and  
21 Market Development Commission shall file with the Director of the  
22 Market Development Division of the State Department of Agriculture a

1 proposed budget and may expend funds only after the division  
2 director has approved the budget.

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

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

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

21 ~~D.~~ E. The books, records and accounts of the Commission, in  
22 respect to the funds allocated to ~~it~~ the Commission under the  
23 provisions of the Oklahoma Sheep and Wool Producers Act, shall be

1 audited annually by the State Auditor and Inspector, with the cost  
2 of the respective audits to be paid from the funds of the  
3 Commission.

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

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

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

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

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

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

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

13 C. The identifying number shall be in Arabic numerals in a  
14 contrasting color of not less than two (2) inches high painted or  
15 otherwise affixed to the rear of the trailer so ~~as to be~~ it is  
16 clearly visible from the rear at all times and in ~~such~~ a manner as  
17 to reasonably assure against ~~its~~ alteration or destruction.

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

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

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

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

8        Section 1602. Any person who violates the provisions of Section  
9 6-303 of this ~~act~~ title by failing to properly display the proper  
10 number shall be guilty of a misdemeanor and upon conviction thereof  
11 subject to a fine not to exceed Ten Dollars (\$10.00). Any person  
12 who alters a vehicle identifying number in violation of Section 6-  
13 303 of this ~~act~~ title, or ~~regulations~~ rules issued pursuant ~~thereto~~  
14 to Section 6-303 of this title, upon conviction thereof, shall be  
15 guilty of a misdemeanor.

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

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

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

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

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

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

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

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

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

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

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

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

- 15            a. it contains any deleterious or harmful agent in  
16 sufficient amount to render it injurious to beneficial  
17 plants, animals, or aquatic life when applied in  
18 accordance with the directions for use shown on the  
19 label; or if adequate warning statements and  
20 directions for use, necessary to protect plants,  
21 animals, or aquatic life are not shown on the label,  
22            b. its composition falls below purported labeling  
23 requirements, or

- 1            c. it contains noxious weed seed;
- 2            3. "Bulk" means in nonpackaged form;
- 3            4. "Distribute" means to import, consign, offer for sale, sell,  
4 barter, or to otherwise supply soil amendments to any person in this  
5 state;
- 6            5. "Distributor" means ~~and includes~~ any person who imports,  
7 consigns, sells, offers for sale, barter or ~~otherwise~~ supplies soil  
8 amendments in this state;
- 9            6. ~~"Manufacturer" means any person who produces, compounds,~~  
10 ~~mixes or blends soil amendments~~ "Inert ingredient" means the  
11 ingredients with no beneficial effect that are present in the  
12 product;
- 13            7. "Label" means the display of written, printed, or graphic  
14 matter upon the immediate container of a soil amendment;
- 15            8. "Labeling" means all written, printed, or graphic matter  
16 upon or accompanying any soil amendment, and all advertisements,  
17 brochures, posters, television, or radio announcements used in  
18 promoting the sale of ~~such a~~ a soil amendment;
- 19            9. ~~"Board" means the State Board of Agriculture of the State~~  
20 ~~Department of Agriculture of the State of Oklahoma~~ "Manufacturer"  
21 means any person who produces, compounds, mixes, or blends soil  
22 amendments;

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

5            a. any soil amendment bears a label that is false or  
6 misleading in any particular,

7            b. any soil amendment is distributed under the name of  
8 another soil amendment,

9            c. any material is represented as a soil amendment or is  
10 represented as containing a soil amendment, unless the  
11 soil amendment conforms to the definition of identity,  
12 if any, prescribed by rules,

13           d. the percentage of active ingredient in any soil  
14 amendment is not shown in the approved ingredient  
15 form, or

16           e. the labeling on any soil amendment is false or  
17 misleading in any particular;

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

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

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

2       ~~14.~~ 13. "Registrant" means any person who registers a soil  
3 amendment under the provisions of ~~this act~~ the Soil Amendment Act;  
4 and

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

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

8           ~~b.~~ ~~any soil amendment is distributed under the name of~~  
9           ~~another soil amendment,~~

10          ~~c.~~ ~~any material is represented as a soil amendment or is~~  
11          ~~represented as containing a soil amendment, unless~~  
12          ~~such soil amendment conforms to the definition of~~  
13          ~~identity, if any, prescribed by regulation,~~

14          ~~d.~~ ~~the percentage of active ingredient in any soil~~  
15          ~~amendment is not shown in the approved ingredient~~  
16          ~~form, or~~

17          ~~e.~~ ~~the labeling on any soil amendment is false or~~  
18          ~~misleading in any particular; and~~

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

21           ~~a.~~ ~~it contains any deleterious or harmful agent in~~  
22           ~~sufficient amount to render it injurious to beneficial~~  
23           ~~plants, animals or aquatic life when applied in~~

1 ~~accordance with the directions for use shown on the~~  
2 ~~label; or if adequate warning statements and~~  
3 ~~directions for use, which may be necessary to protect~~  
4 ~~plants, animals or aquatic life are not shown on the~~  
5 ~~label,~~

6 ~~b. its composition falls below that which it is purported~~  
7 ~~to possess by its labeling, or~~

8 ~~c. it contains noxious weed seed~~

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

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

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

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

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

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

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

1        E. The Board may allow a soil amending ingredient to be listed  
2 or guaranteed on the label or labeling if satisfactory supportive  
3 data is provided the Board to substantiate the value and usefulness  
4 of the soil amending ingredients. The Board may rely on outside  
5 sources ~~such as~~ including but not limited to the Director of the  
6 Agricultural Experiment Station for assistance in evaluating the  
7 data submitted.

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

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

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

17        Section 1705. A. Each soil amendment product shall be  
18 registered with the State Board of Agriculture before it is  
19 distributed in this state. Application for registration shall be  
20 submitted to the Board, on a form prepared for that purpose, showing  
21 the information required on the label, as provided in Section 4 8-  
22 85.4 of this ~~act~~ title, except net weight of product.

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

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

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

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

11        Section 1706. A. The registrant shall pay to the State Board  
12 of Agriculture an inspection fee of thirty-five cents (\$0.35) per  
13 ton on all products registered and sold in this state. Each  
14 registrant shall keep adequate records of ~~his~~ their sales, and shall  
15 file with the Board, on a semiannual basis, a signed report of the  
16 tonnage distributed by county during the preceding six-month periods  
17 beginning July 1 to and including December 31, and January 1 to and  
18 including June 30. The report and payment of the inspection fee  
19 shall be due within thirty (30) days from the date of the close of  
20 each period. Soil amendments registered under ~~this act~~ the Soil  
21 Amendment Act shall be exempt from the inspection fees required for  
22 commercial fertilizers.

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

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

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

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

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

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

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

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

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

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

22        Section 1710. The State Board ~~is authorized to adopt such of~~  
23 Agriculture shall promulgate rules ~~and regulations as may be~~

1 necessary to administer ~~this act~~ the Soil Amendment Act, including  
2 methods of sampling, methods of analysis, designation of ingredient  
3 forms, and promulgate definitions of identity of products.

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

6 Section 1711. The State Board of Agriculture shall refuse to  
7 register any product that does not comply with ~~this act~~ the Soil  
8 Amendment Act and ~~the rules and regulations promulgated under this~~  
9 ~~act thereto~~. The Board ~~is also authorized and empowered to may~~  
10 revoke any registration upon satisfactory evidence that the  
11 registrant or any of ~~his~~ its agents ~~has~~ used fraudulent or deceptive  
12 practices ~~except that~~. A registration shall not be revoked by the  
13 Board until the registrant has been given an opportunity for a  
14 hearing before the Board ~~or its duly authorized agent~~ in compliance  
15 with the provisions of Article II of the Administrative Procedures  
16 Act.

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

19 Section 1713. The State Board of Agriculture shall remit at  
20 least monthly all monies received ~~by or for it under this act~~  
21 pursuant to the Soil Amendment Act to the State Treasurer ~~at least~~  
22 ~~monthly~~. Upon receipt of ~~any such remittance~~ the monies the State  
23 Treasurer shall deposit the entire amount ~~thereof~~ in the State

1 Treasury and ~~the same shall be credited~~ credit the monies to an  
2 appropriate State Department of Agriculture Fund.

3 SECTION 92. AMENDATORY Section 2, Chapter 265, O.S.L.  
4 2000 (2 O.S. Supp. 2000, Section 1715), is amended to read as  
5 follows:

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

16 B. "Tampering" for purposes of this section means any  
17 unauthorized adjustment, opening, removal, transfer, alteration,  
18 change, or interference with any part of the anhydrous ammonia  
19 equipment, container, or storage device.

20 ~~B.~~ C. Theft of any amount of anhydrous ammonia ~~is~~ shall be a  
21 felony punishable upon conviction thereof by imprisonment for not  
22 less than two (2) years nor more than ten (10) years in the State

1 Penitentiary, ~~or~~ by a fine not exceeding Ten Thousand Dollars  
2 (\$10,000.00), or by both such fine and imprisonment.

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

9 1. Any owners of anhydrous ammonia or anhydrous ammonia  
10 equipment, containers, l or storage devices;

11 2. Any persons responsible for the installation, repair, l or  
12 operation of anhydrous ammonia equipment, containers, l or storage  
13 devices;

14 3. Any person lawfully selling, transporting, transferring, or  
15 delivering anhydrous ammonia or anhydrous ammonia equipment,  
16 containers, l or storage devices;

17 4. Any persons purchasing or storing anhydrous ammonia for  
18 agricultural purposes; or

19 5. Any persons operating anhydrous ammonia equipment or using  
20 anhydrous ammonia for agricultural purposes.

21 SECTION 93. AMENDATORY Section 6, Chapter 185, O.S.L.  
22 1996 (2 O.S. Supp. 2000, Section 1750), is amended to read as  
23 follows:

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

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

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

8 1. ~~"Board" means the Oklahoma Board of Agriculture;~~

9 2. ~~"Person" means any individual, partnership, corporation,~~  
10 ~~association or other form of business enterprise;~~

11 3. ~~"Livestock" means cattle, sheep, swine, horses, mules and,~~  
12 or goats;

13 4. 2. a. "Livestock dealer" means any person engaged in the  
14 business of buying or selling livestock in commerce;  
15 or any person registered and bonded under the  
16 provisions of the Federal Packers and Stockyards Act  
17 of 1921, as amended, who buys livestock. Any person  
18 shall be regarded as operating as a livestock dealer  
19 within the meaning of the Livestock Dealers Act,  
20 who:

21 (1) holds oneself out as an order-buyer, livestock  
22 dealer, or livestock agent, or

1 (2) offers or undertakes, by name, any means or  
2 methods to purchase livestock for another for a  
3 fee or commission~~7~~.

4 b. The term livestock dealer shall not include:

5 (1) a person who buys or sells livestock as part of  
6 ~~such~~ the person's own bona fide breeding,  
7 feeding, ~~or~~ dairy, or beef operations,

8 (2) a person who receives livestock exclusively for  
9 immediate slaughter on ~~such~~ the person's own  
10 premises, or

11 (3) a farmer or rancher who buys livestock in the  
12 ordinary course of ~~such farmer's or rancher's~~ the  
13 farming or ranching operation unless ~~such~~ the  
14 farmer or rancher is registered and bonded under  
15 the Federal Packers and Stockyards Act of 1921,  
16 as amended; and

17 ~~5~~ 3. "Livestock special sale" means any public or private sale  
18 of livestock by public auction except livestock sales conducted  
19 under the provisions of Sections ~~9-131~~ 9-130 through ~~9-137~~ 9-139 of  
20 this title and farm auctions~~7~~ and

21 ~~6~~. "Department" means ~~the State Department of Agriculture.~~

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

4 Section 1752. A. Every livestock dealer shall maintain written  
5 records as required by the Federal Packers and Stockyards Act of  
6 1921, as amended, and any other written records ~~which~~ that are  
7 necessary and adequate to determine the sources and disposition of  
8 livestock that are, or have been, in ~~said~~ the dealer's possession  
9 within the previous twenty-four (24) months.

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

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

22 D. 1. Each livestock dealer shall be licensed by the ~~State~~  
23 Department ~~of Agriculture~~. The Department shall require each

1 applicant for licensure to provide proof of a bond or other  
2 financial instrument as required by the Federal Packers and  
3 Stockyards Act of 1921, as amended. No bond shall be less than Ten  
4 Thousand Dollars (\$10,000.00). It shall be a violation of the  
5 Livestock Dealers Act for anyone to act as a livestock dealer  
6 without a valid livestock dealer license.

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

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

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

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

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

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

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

- 1           4. Enforce the standards and rules promulgated by the Board  
2 pursuant to the Livestock Dealers Act;
- 3           5. Investigate complaints and hold hearings;
- 4           6. Initiate proceedings, request prosecution of, and initiate  
5 injunctive proceedings against any person who violates any of the  
6 provisions of the Livestock Dealers Act or any rule promulgated  
7 pursuant to the Livestock Dealers Act;
- 8           7. Establish and assess administrative penalties against any  
9 person who violates any of the provisions of the Livestock Dealers  
10 Act or any rule promulgated pursuant ~~to the Livestock Dealers Act~~  
11 thereto;
- 12           8. Establish the term and fee for licenses; and
- 13           9. Exercise all incidental powers as necessary and proper to  
14 implement and enforce the provisions of the Livestock Dealers Act  
15 and the rules of the Board promulgated pursuant thereto.

16           SECTION 97.           AMENDATORY           Section 10, Chapter 185, O.S.L.  
17 1996 (2 O.S. Supp. 2000, Section 1753.1), is amended to read as  
18 follows:

19           Section 1753.1 A. 1. Whenever the State Department of  
20 Agriculture determines there are reasonable grounds to believe that  
21 there has been a violation of any of the provisions of the Livestock  
22 Dealers Act or of any rules promulgated thereto or any order of the

1 Department, ~~it~~ the Department shall give written notice to the  
2 alleged violator specifying the cause of complaint.

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

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

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

19 2. Recommendations for findings of fact and conclusions of law  
20 shall be transmitted by the hearing officer to the State Board of  
21 Agriculture which shall ~~thereupon~~ enter its order. The Board may~~7~~  
22 ~~in its discretion,~~ enter its order on the basis of ~~such~~ the record

1 or, before issuing its order, require additional hearings or further  
2 evidence to be presented.

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

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

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

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

21 D. 1. Except as ~~otherwise~~ expressly provided by law, any  
22 notice, order, or other instrument issued by or under authority of

1 the Board shall be served on any person pursuant to the provisions  
2 of Section 2005 of Title 12 of the Oklahoma Statutes.

3 2. Proof of ~~such~~ service shall be made ~~as in case of~~ accordance  
4 with service of a summons or by publication in a civil action, ~~such~~  
5 the proof to be filed ~~in the office of~~ by the Department; or ~~such~~  
6 the service may be made by mailing a copy of the notice, order, or  
7 other instrument by ~~registered~~ certified mail directed to the person  
8 affected at ~~such~~ the person's last-known post office address as  
9 shown by the files or records of the Department, and proof ~~thereof~~  
10 may be made by the affidavit of the person who did the mailing, and  
11 filed ~~in the office of~~ by the Department.

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

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

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

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

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

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

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

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

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

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

8       C. After a hearing in accordance with the Administrative  
9 Procedures Act, the ~~State Board of Agriculture~~ has the authority to  
10 impose a an administrative fine ~~not to exceed One Hundred Dollars~~  
11 ~~(\$100.00) for the first offense, Two Hundred Fifty Dollars (\$250.00)~~  
12 ~~for the second offense and Five Hundred Dollars (\$500.00) for each~~  
13 ~~succeeding offense on every~~ any person ~~operating or conducting a~~  
14 ~~livestock auction market~~ violating the Livestock Dealers Act.

15       D. Any person engaging in business as a livestock dealer after  
16 the license of ~~such~~ the person has been revoked, suspended, or  
17 nonrenewed, or at any time ~~such~~ the person has violated the  
18 provisions of the Livestock Dealers Act or any rule or order issued  
19 pursuant thereto, upon conviction thereof, shall be guilty of a  
20 misdemeanor and shall be punished by a fine of not less than One  
21 Hundred Dollars (\$100.00) and not exceeding Five Thousand Dollars  
22 (\$5,000.00), ~~or by~~ imprisonment in the county jail not less than  
23 thirty (30) days nor exceeding one (1) year, or by both such fine

1 and imprisonment. Each day of ~~such~~ the violation shall be a  
2 separate offense.

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

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

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

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

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

20 1. ~~"Eligible agricultural business" means any individual,~~  
21 ~~partnership, co-operative, domestic limited liability company, or~~  
22 ~~agricultural domestic corporation engaged in producing, processing~~  
23 ~~or marketing alternative agricultural products or an at-risk farm or~~

1 ~~ranch business, within the State of Oklahoma in operation which has~~  
2 ~~developed a management plan through the Intensive Financial~~  
3 ~~Management and Planning Support (IFMAPS) program of the Cooperative~~  
4 ~~Extension Service of Oklahoma State University or the Farm Business~~  
5 ~~Management Program of the State Department of Vocational and~~  
6 ~~Technical Education;~~

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

- 10 ~~a. eligible to be a depository of state funds, or~~  
11 ~~b. is an institution of the farm credit system organized~~  
12 ~~under the federal "Farm Credit Act of 1971", 12 U.S.C.~~  
13 ~~2001, as amended;~~

14 ~~3. "Agricultural domestic corporation" means any domestic~~  
15 ~~corporation formed or licensed pursuant to the Oklahoma General~~  
16 ~~Corporation Act or a limited domestic liability company formed or~~  
17 ~~licensed pursuant to the Oklahoma Limited Liability Company Act and~~  
18 ~~meeting the requirements of paragraph 5 of subsection A of Section~~  
19 ~~955 of Title 18 of the Oklahoma Statutes and meeting the~~  
20 ~~requirements of subsection A of Section 951 of Title 18 of the~~  
21 ~~Oklahoma Statutes;~~

22 ~~4. 2. "Agricultural linked deposit" means a certificate of~~  
23 ~~deposit placed by the State Treasurer with an eligible lending~~

1 institution or an investment in bonds, notes, debentures, or other  
2 obligations or securities issued by the federal farm credit bank  
3 with regard to an eligible lending institution for the purpose of  
4 carrying out the intent of this ~~act~~ program;

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

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

14 ~~6.~~ 5. "An at-risk farm or ranch business" shall be one ~~which~~  
15 that seeks a production loan and meets the following criteria:

16 a. at least sixty percent (60%) of gross income derived  
17 from farming and/or ranching, and

18 b. a debt-to-asset ratio over forty percent (40%);

19 6. "Eligible agricultural business" means any person engaged in  
20 producing, processing, or marketing alternative agricultural  
21 products or an at-risk farm or ranch business, within the State of  
22 Oklahoma in operation that has developed a management plan through  
23 the Intensive Financial Management and Planning Support (IFMAPS)

1 program of the Cooperative Extension Service of Oklahoma State  
2 University or the Farm Business Management Program of the State  
3 Department of Vocational and Technical Education; and

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

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

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

- 12 a. is eligible to be a depository of state funds, or  
13 b. is an institution of the farm credit system organized  
14 under the federal "Farm Credit Act of 1971", 12 U.S.C.  
15 2001, as amended.

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

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

22 B. Alternative agricultural products under ~~this act~~ the  
23 Oklahoma Agricultural Linked Deposit Program shall be determined by

1 the State Board of Agriculture, and shall include, but ~~may~~ not be  
2 limited to, the products listed in a report submitted by the  
3 Director of the Cooperative Extension Service to the State Board of  
4 Agriculture on January 1 of each year. The Board shall hold  
5 necessary hearings to gain input from the agricultural community to  
6 determine if a product which is not included in the report from the  
7 Cooperative Extension Service will qualify as an alternative  
8 agricultural product.

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

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

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

20 SECTION 104. AMENDATORY 2 O.S. 1991, Section 1766, as  
21 last amended by Section 1, Chapter 88, O.S.L. 1995 (2 O.S. Supp.  
22 2000, Section 1766), is amended to read as follows:

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

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

10 C. 1. An eligible lending institution that desires to receive  
11 an agricultural linked deposit shall accept and review applications  
12 for loans from eligible agricultural businesses. The lending  
13 institution shall apply all usual lending standards to determine the  
14 credit worthiness of each eligible agricultural business. No single  
15 linked deposit for an alternative agricultural product shall exceed  
16 One Million Dollars (\$1,000,000.00). No single linked deposit for  
17 an at-risk farm or ranch operation shall exceed Three Hundred Fifty  
18 Thousand Dollars (\$350,000.00).

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

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

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

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

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

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

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

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

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

1 SECTION 105. AMENDATORY 2 O.S. 1991, Section 1767, as  
2 last amended by Section 1, Chapter 4, O.S.L. 1999 (2 O.S. Supp.  
3 2000, Section 1767), is amended to read as follows:

4 Section 1767. A. The State Treasurer may accept or reject an  
5 agricultural linked deposit loan package or any portion ~~thereof~~ of  
6 the package, based on the State Treasurer's evaluation of the  
7 eligible agricultural businesses included in the package, the amount  
8 of individual loans in the package, and the amount of the package.  
9 If the State Treasurer recommends rejection, the written  
10 recommendation shall include reasons for ~~said~~ the rejection in a  
11 report to the State Board of Agriculture. The Board shall forward a  
12 copy of the rejection notice to the lending institution and the  
13 borrower. The borrower may be allowed to bring the application into  
14 compliance with the Board and the State Treasurer and resubmit the  
15 application. If the State Treasurer rejects the loan because  
16 sufficient funds are not available for a linked deposit, then the  
17 applications may be considered in the order received when funds are  
18 once again available subject to a review by the Board and the  
19 lending institution. In evaluating the eligible agricultural  
20 businesses, the State Treasurer shall consider the recommendation of  
21 the Board and the economic needs of the area where the business is  
22 located.

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

8           C. Upon acceptance of the agricultural linked deposit loan  
9 package or any portion ~~thereof~~ of the package, the State Treasurer  
10 shall notify the Board, the lending institution and the borrower.  
11 Upon acceptance, the State Treasurer may place certificates of  
12 deposit with the eligible lending institution at a rate below  
13 current market rates, as determined and calculated by the State  
14 Treasurer, or may invest in bonds, notes, debentures, or other  
15 obligations or securities issued by the federal farm credit bank  
16 with respect to the eligible lending institution at a rate below  
17 current market rates, as determined and calculated by the State  
18 Treasurer. When necessary, the State Treasurer may place  
19 certificates of deposit or may invest in ~~such~~ obligations or  
20 securities prior to acceptance of an agricultural linked deposit  
21 loan package.

22           D. 1. The eligible lending institution shall enter into an  
23 agricultural linked deposit agreement with the State Treasurer,

1 ~~which~~ that shall include requirements necessary to implement the  
2 purposes of the Oklahoma Agricultural Linked Deposit Program. ~~Such~~  
3 The requirements shall include an agreement by the eligible lending  
4 institution to lend an amount equal to the agricultural linked  
5 deposit to eligible agricultural businesses at an interest rate that  
6 reflects a percentage rate reduction below the present borrowing  
7 rate applicable to each specific agricultural business in the  
8 accepted loan package that is equal to the percentage rate reduction  
9 below market rates at which the certificates of deposit that  
10 constitute the agricultural linked deposit were placed or at which  
11 the investments in bonds, notes, debentures, or other obligations or  
12 securities that constitute the agricultural linked deposit were  
13 made. ~~Such~~ The requirements shall also reflect the market  
14 conditions prevailing in the eligible lending institution's lending  
15 area.

16 2. The agreement may include a specification of the period of  
17 time in which the lending institution is to lend funds upon the  
18 placement of a linked deposit, and shall include provisions for the  
19 certificates of deposit to be placed or the investment in bonds,  
20 notes, debentures, obligations, or securities to be made for any  
21 maturity considered appropriate by the State Treasurer not to exceed  
22 two (2) years and may be renewed for up to an additional three  
23 renewals not to exceed two (2) years each at the option of the State

1 Treasurer. Two additional renewals may be approved by the State  
2 Treasurer up to a total duration of participation of twelve (12)  
3 years, but new eligible participants and eligible participants who  
4 have had linked deposit loans for less than eight (8) years shall  
5 have priority over ~~such~~ renewals. No renewals will be allowed  
6 unless the amount of principal has been reduced by a minimum of five  
7 percent (5%) and all interest paid to date from the time of the  
8 prior loan or renewal. Interest shall be paid at the times  
9 determined by the State Treasurer.

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

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

18 2. The loan shall be at a rate that reflects a percentage rate  
19 reduction below the present borrowing rate applicable to each  
20 business that is equal to the percentage rate reduction below market  
21 rates at which the certificate of deposits that constitute the  
22 agricultural linked deposit were placed or at which the investments

1 in bonds, notes, debentures, or other obligations or securities that  
2 constitute the agricultural linked deposit were made.

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

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

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

13 Section 1769. The ~~state~~ State of Oklahoma, the State Department  
14 of Agriculture, and the State Treasurer shall not be liable to any  
15 eligible lending institution in any manner for payment of the  
16 principal or interest on the loan to an eligible agricultural  
17 business. Any delay in payments or default on the part of an  
18 eligible agricultural business does not in any manner affect the  
19 agricultural linked deposit agreement between the eligible lending  
20 institution and the State Treasurer.

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

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

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

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

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

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

- 18 1. Alcohol Fuel Producer Permit  
19 (Small) \$ 25.00  
20 2. Alcohol Fuel Producer Permit  
21 (Medium) \$100.00  
22 3. Alcohol Fuel Producer Permit  
23 (Large) \$250.00

1       The alcohol fuel producer is required to obtain a state permit  
2 ~~(small, medium or large)~~ as defined by the Bureau of Alcohol,  
3 Tobacco and Firearms of the United States Department of the  
4 Treasury, ~~which is hereinafter referred to as ATF.~~ If a different  
5 person purchases or acquires control of an alcohol fuel producing  
6 plant, that person must file a new application.

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

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

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

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

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

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

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

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

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

20 Section 1906. The Department of Agriculture shall maintain for  
21 public information a current list of all alcohol producers  
22 registered under ~~this act~~ the Oklahoma Fuel Alcohol Act. ~~This~~ The  
23 list shall specify the type permit issued to each producer. A copy

1 of ~~this~~ the list shall monthly be filed with the ~~Oklahoma~~ Alcoholic  
2 Beverage ~~Control Board~~ Laws Enforcement Commission.

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

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

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

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

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

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

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

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

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

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

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

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

15 3. 2. "Environment" means all of the land, air, and water and  
16 any organism that is living in association with these elements;

17 4. 3. "Gene" means the unit of heredity within an organism;

18 5. 4. "Genetic engineering" means the technology used to  
19 manipulate or alter an organism's genetic material through  
20 recombinant DNA or RNA techniques;

21 6. 5. "Organisms" means any life stage form of microorganisms,  
22 viruses, plants, invertebrate animals, such as insects, or  
23 vertebrate animals, including livestock, which is capable of

1 supplying genetic materials or affecting the genetic expression of  
2 another living entity;

3 ~~7.~~ 6. "Permit" means a document issued by the Board authorizing  
4 a person to maintain, manipulate, and/or release a regulated article  
5 into the environment;

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

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

12 ~~10.~~ 8. "Recombinant DNA or RNA" means hybrid molecules  
13 constructed outside or inside an organism by joining, deleting, or  
14 rearranging natural or synthetic DNA (deoxyribonucleic acid) or RNA  
15 (ribonucleic acid);

16 ~~11.~~ 9. "Regulated article" means any organism altered or  
17 produced through genetic engineering;

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

1       ~~12.~~ 11. "Vector or vector agent" means an organism or object  
2 used to transfer genetic material from the donor organism to the  
3 recipient organism; ~~and~~

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

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

8       Section 2014. A. ~~A designated employee of the Board~~ The State  
9 Department of Agriculture shall have the authority to inspect any  
10 premise within this state during regular business hours when ~~such~~  
11 ~~employee~~ the Department has reasonable grounds to believe that  
12 activity governed by ~~this act~~ the Oklahoma Agriculture Biotechnology  
13 Act is or may be occurring ~~during regular business hours.~~ This  
14 inspection shall be to determine if the provisions of ~~this act~~ the  
15 Oklahoma Agriculture Biotechnology Act are being carried out and the  
16 environment is being protected from the possibility of being  
17 contaminated by a regulated article.

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

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

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

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

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

- 1 1. Commercially valuable;
- 2 2. Used in one's business; and
- 3 3. Maintained in secrecy.

4 D. Documents containing commercial or financial information  
5 will be ~~deemed~~ confidential if a review established establishes that  
6 substantial competitive harm would result from disclosure.  
7 Information such as safety data, efficacy or potency data, and  
8 environmental data may be ~~such~~ confidential information. Persons  
9 desiring protection for confidential information must submit a  
10 detailed statement containing facts to show that the person faces  
11 active competition in the area to which the information relates, and  
12 that substantial competitive harm would result from disclosure.

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

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

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

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

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

7 C. ~~All persons~~ Any person who ~~have~~ has filed Assurances of  
8 Compliance with federally established guidelines with ~~their~~ his or  
9 her Institutional Biosafety Committee and/or applied for regulatory  
10 ~~approval(s)~~ approval from the appropriate federal agency, ~~will~~ shall  
11 be exempt from the provisions of ~~this act~~ the Oklahoma Agriculture  
12 Biotechnology Act.

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

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

20 2. All scientific, common, and trade names, and all  
21 designations necessary to identify the: Donor ~~organism(s)~~ organism;  
22 recipient ~~organism(s)~~ organism; vector or vector ~~agents(s)~~ agents;

1 constituent of each regulated article which is a product; and  
2 regulated article;

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

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

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

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

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

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

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

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

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

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

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

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

6        E. Any person or their employees who is issued a permit shall  
7 comply with regulations established by the Board as are necessary to  
8 prevent the uncontrolled dissemination and establishment of a  
9 regulated article in the environment.

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

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

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

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

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

11        Section 2018. A. Any person violating the provisions of the  
12        Oklahoma Agriculture Biotechnology Act shall, upon conviction ~~in a~~  
13        ~~court of competent jurisdiction~~ thereof, be guilty of a misdemeanor  
14        and may be punished by a fine of not less than One Thousand Dollars  
15        (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00). For  
16        the purposes of this section, each day upon which a violation is  
17        committed or is permitted to continue shall be deemed a separate  
18        offense.

19        B. If, after public hearing in accordance with the  
20        Administrative Procedures Act, ~~Section 215 et seq. and Section 301~~  
21        ~~et seq. of Title 75 of the Oklahoma Statutes,~~ the State Board of  
22        Agriculture shall find any person to be in violation of any of the  
23        provisions of ~~this act~~ the Oklahoma Agriculture Biotechnology Act,

1 the ~~State Board of Agriculture~~ has the authority to assess, after  
2 notice and hearing, an administrative penalty of not less than One  
3 Hundred Dollars (\$100.00) and not more than One Thousand Dollars  
4 (\$1,000.00) for each violation. For the purpose of this section,  
5 each day upon which a violation is committed or is permitted to  
6 continue shall be deemed a separate offense.

7 SECTION 124. AMENDATORY 2 O.S. 1991, Section 2021, is  
8 amended to read as follows:

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

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

16 C. The Oklahoma Arboretum and Botanical Garden director shall:

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

20 2. Act as a representative of the state in horticultural  
21 matters as pertains to agriculture, both within and outside the  
22 state, when necessary or appropriate or when requested to do so by

1 proper authority, which shall include among others the legislative  
2 or executive branches of state government;

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

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

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

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

21 7. Contract with ~~private entities or state agencies~~ persons to  
22 assist in training of students and the citizenry with respect to our

1 native and introduced woody and herbaceous plant material and their  
2 importance to Oklahoma.

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

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

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

13 SECTION 125. AMENDATORY Section 1, Chapter 357, O.S.L.  
14 1994 (2 O.S. Supp. 2000, Section 3001), is amended to read as  
15 follows:

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

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

20 SECTION 126. AMENDATORY Section 2, Chapter 357, O.S.L.  
21 1994, as amended by Section 1, Chapter 72, O.S.L. 1996 (2 O.S. Supp.  
22 2000, Section 3002), is amended to read as follows:

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

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

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

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

16 SECTION 127. AMENDATORY Section 3, Chapter 357, O.S.L.  
17 1994, as last amended by Section 2, Chapter 72, O.S.L. 1996 (2 O.S.  
18 Supp. 2000, Section 3003), is amended to read as follows:

19 Section 3003. A. To fulfill its mission as the originator of  
20 the development of economic analysis and market planning for this  
21 state, the Oklahoma International Trade Development Council shall be  
22 the central advisory, planning, and monitoring board for all  
23 agriculture-related products, livestock, goods, services, and

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

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

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

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

22 4. In its capacity as Oklahoma's central economic policy,  
23 advisory, and monitoring board for export of agricultural products,

1 livestock, goods, services, and agricultural market development, the  
2 Oklahoma International Trade Development Council shall promote  
3 greater collaboration and cooperation between the executive and  
4 legislative branches, agribusiness, financial institutions, labor  
5 and management, educational institutions, and local communities to  
6 create increased innovation, creativity, diversity, and productivity  
7 greater than any one sector can achieve acting alone.

- 8 B. 1. The Oklahoma International Trade Development Council  
9 shall consist of the following ex officio members or their designee:
- 10 a. the Commissioner of the State Department of  
11 Agriculture,
  - 12 b. the Executive Director of the Oklahoma Department of  
13 Commerce,
  - 14 c. Chair and Vice Chair of the Agriculture Committee of  
15 the House of Representatives,
  - 16 d. Chair and Vice Chair of the Agriculture Committee of  
17 the State Senate,
  - 18 e. the Chair and Vice Chair of the Economic Development  
19 Committee of the Oklahoma House of Representatives,
  - 20 f. the Chair and Vice Chair of the Economic Development  
21 Committee of the State Senate, and
  - 22 g. the Chair of the Oklahoma State Chamber of Commerce  
23 and Associated Industries;

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

3           a. the Governor shall appoint six members as follows:

4           (1) a representative of the Oklahoma wheat industry,  
5                 from a list submitted by statewide wheat producer  
6                 associations,

7           (2) a representative of the Oklahoma cattle industry,  
8                 from a list submitted by statewide Oklahoma  
9                 cattlemen's producer associations,

10          (3) a representative of the Oklahoma pork producers  
11                 submitted by statewide pork producer  
12                 associations,

13          (4) a representative of the Oklahoma food processing  
14                 industry,

15          (5) a representative of a state financial institution  
16                 with experience in international finance, and

17          (6) one member from the public at large,

18          b. the Speaker of the House of Representatives shall  
19                 appoint five members as follows:

20          (1) a representative of the Oklahoma grain and seed  
21                 industry,

22          (2) a representative of the Oklahoma poultry  
23                 producers,

- 1 (3) a representative of the Oklahoma cotton  
2 producers,  
3 (4) a representative from the pure breed livestock  
4 industry, and  
5 (5) one member from the public at large,

6 c. the Pro Tempore of the Senate shall appoint five  
7 members as follows:

- 8 (1) a representative from the Oklahoma nursery  
9 industry,  
10 (2) a representative from the Oklahoma soybean  
11 producers,  
12 (3) a representative from the Oklahoma peanut  
13 producers,  
14 (4) a specialized genetic expert, and  
15 (5) a member from the public at large.

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

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

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

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

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

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

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

20 J. Nonlegislative members of the Oklahoma International Trade  
21 Development Council shall be reimbursed for actual and necessary  
22 travel expenses in performing their duties as members of the  
23 Oklahoma International Trade Development Council. Legislative

1 members of the Council shall be reimbursed as provided in Section  
2 456 of Title 74 of the Oklahoma Statutes.

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

7 SECTION 128. AMENDATORY Section 4, Chapter 357, O.S.L.  
8 1994, as amended by Section 3, Chapter 72, O.S.L. 1996 (2 O.S. Supp.  
9 2000, Section 3004), is amended to read as follows:

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

12 1. Assist and encourage economic prosperity and employment  
13 throughout this state by promoting the expansion of international  
14 exports of Oklahoma~~7~~ agricultural products and livestock;

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

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

21 4. Advise exporters and other groups regarding barter  
22 agreements between exporters of Oklahoma agricultural, livestock, or  
23 manufactured goods and groups in other counties and to facilitate

1 contributions of Oklahoma agricultural and livestock products to  
2 areas of the world experiencing food shortages.

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

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

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

17 SECTION 129. AMENDATORY Section 1, Chapter 159, O.S.L.  
18 1995 (2 O.S. Supp. 2000, Section 3010), is amended to read as  
19 follows:

20 Section 3010. The Legislature hereby finds, determines and  
21 declares that the production of agricultural food products  
22 constitutes a large proportion of ~~the state's~~ Oklahoma's economy and  
23 that it is beneficial to the citizens of this state to protect the

1 vitality of the agricultural economy by providing a legal cause of  
2 action for producers of perishable agricultural food products to  
3 recover damages for the disparagement of any perishable agricultural  
4 food product.

5 SECTION 130. AMENDATORY Section 2, Chapter 159, O.S.L.  
6 1995 (2 O.S. Supp. 2000, Section 3011), is amended to read as  
7 follows:

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

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

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

18 SECTION 131. AMENDATORY Section 3, Chapter 159, O.S.L.  
19 1995 (2 O.S. Supp. 2000, Section 3012), is amended to read as  
20 follows:

21 Section 3012. A. Any producer of perishable agricultural food  
22 products who suffers damages as a result of another person's  
23 disparagement of any such perishable agricultural food product, when

1 the disparagement is based on false information which is not based  
2 on reliable scientific facts and scientific data and which the  
3 disseminator knows or should have known to be false, may bring an  
4 action for damages and for any other appropriate relief in a court  
5 of competent jurisdiction.

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

11 SECTION 132. AMENDATORY Section 1, Chapter 74, O.S.L.  
12 1996 (2 O.S. Supp. 2000, Section 3021), is amended to read as  
13 follows:

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

20 SECTION 133. AMENDATORY Section 9, Chapter 367, O.S.L.  
21 2000 (2 O.S. Supp. 2000, Section 3-32.9), is amended to read as  
22 follows:

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

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

9           C. The Board shall have the authority to promulgate rules for  
10 the seizure, inspection, disinfection, destruction, or other  
11 disposition of any nursery stock, plants, plant products, or other  
12 article, of any character, capable of carrying harmful plant pests  
13 or other harmful pests.

14           SECTION 134.           AMENDATORY           Section 1, Chapter 151, O.S.L.  
15 1997 (2 O.S. Supp. 2000, Section 1850.1), is amended to read as  
16 follows:

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

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

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

4 Section 1850.2 As used in the Oklahoma Sorghum Resources Act:

- 5 1. "Commercial channels" means the sale of sorghum for any use,  
6 when sold to any commercial buyer, dealer, processor, cooperative,  
7 or to any person, public or private, who resells any sorghum or  
8 product produced from sorghum;
- 9 2. "Commercial quantities" means and includes all bushels of  
10 sorghum produced for market in any calendar year by any producer;
- 11 3. "Commission" means the Oklahoma Sorghum Commission;
- 12 4. "Department" means the State Department of Agriculture;
- 13 5. "First purchaser" ~~is~~ means any person, ~~public or private~~  
14 ~~corporation, association or partnership~~ buying or ~~otherwise~~  
15 acquiring after harvest the property in or to sorghum from a sorghum  
16 producer. A mortgagee, pledgee, ~~lienee~~ lienholder, or other person,  
17 ~~public or private~~, having a claim against the sorghum producer under  
18 a nonrecourse loan made against the sorghum after harvest ~~thereof~~  
19 shall be ~~deemed~~ a purchaser ~~hereunder~~. The term "first purchaser"  
20 shall not include a harvesting or threshing lienee;
- 21 6. "Fiscal year" means the sorghum accounting year beginning  
22 July 1 of each year and ending June 30 of the following year;

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

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

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

11           SECTION 136.           AMENDATORY           Section 3, Chapter 151, O.S.L.  
12 1997 (2 O.S. Supp. 2000, Section 1850.3), is amended to read as  
13 follows:

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

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

19                   a. are at least twenty-five (25) years of age and are  
20 residents of Oklahoma,

21                   b. have been actually engaged in the production of  
22 sorghum in this state for a period of at least five  
23 (5) years, and



1 Jackson, Tillman, Cotton, Stephens, Jefferson, McClain, Garvin,  
2 Murray, Carter, Love, Pontotoc, Johnston, Marshall, Coal, Atoka,  
3 Bryan, Latimer, Pushmataha, Choctaw, and McCurtain.

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

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

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

13 2. If for any reason there is a vacancy on the Commission due  
14 to resignation, death, or for any cause resulting in an unexpired  
15 term, the Commission may name a person to serve as a provisional  
16 member of the Commission for the remainder of the term of the office  
17 ~~se~~ vacated. The Commission shall submit, in writing, the name of  
18 ~~such~~ the person to the President for approval. The President shall  
19 either approve or disapprove the named person as a provisional  
20 member of the Commission within thirty (30) days of the submission  
21 of the name by the Commission. The failure of the President to  
22 disapprove the person named as the provisional member of the

1 Commission within the thirty-day period shall be deemed approval of  
2 the person as the provisional member of the Commission.

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

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

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

- 21 1. Be a resident of the state; or
- 22 2. Produce or plant sorghum in the district from which ~~such~~ the  
23 member was elected,

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

2 SECTION 137. AMENDATORY Section 4, Chapter 151, O.S.L.  
3 1997 (2 O.S. Supp. 2000, Section 1850.4), is amended to read as  
4 follows:

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

- 8 1. Elect Commission officers to provide leadership and  
9 organization;
- 10 2. Call and conduct ~~such~~ meetings as ~~may be~~ necessary in  
11 carrying out the provisions of the Oklahoma Sorghum Resources Act;
- 12 3. Formulate basic objectives and the general policies and  
13 programs of the State of Oklahoma respecting the discovery,  
14 promotion, and development of markets and industries for the  
15 utilization of sorghum;
- 16 4. Approve financial matters;
- 17 5. Maintain and enforce provisions of the Oklahoma Sorghum  
18 Resources Act;
- 19 6. Promulgate rules as are necessary to promptly and  
20 effectively administer the provisions of the Oklahoma Sorghum  
21 Resources Act;
- 22 7. Conduct assessment referenda pursuant to ~~Section 12 of this~~  
23 ~~act~~ the Oklahoma Sorghum Resources Act;

- 1           8. Conduct programs consistent with the Oklahoma Sorghum  
2 Resources Act;
- 3           9. Develop bylaws for the due and orderly administration of the  
4 affairs of the Commission and for its responsibilities specified  
5 pursuant to the provisions of the Oklahoma Sorghum Resources Act;
- 6           10. Advise, consult, and cooperate with agencies of this state  
7 and its political subdivisions ~~thereof~~, other states, the federal  
8 government, and with affected groups;
- 9           11. Collect and disseminate information relating to sorghum  
10 production;
- 11           12. Contract with agencies of this state and its political  
12 subdivisions ~~thereof~~, other states, the federal government, and  
13 other organizations or persons to comply and fulfill its mission  
14 pursuant to the provisions of the Oklahoma Sorghum Resources Act;
- 15           13. Hold public hearings for any purposes consistent with the  
16 provisions of the Oklahoma Sorghum Resources Act;
- 17           14. Identify and coordinate industry-wide programs for sorghum,  
18 sorghum resources, sorghum market development, sorghum promotion, and  
19 and education relating to sorghum;
- 20           15. Seek information from sorghum producers and users for  
21 purposes of planning and prioritizing expenditures of Commission  
22 funds;

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

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

12       B. In addition, the Commission shall:

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

19       2. Not later than forty-five (45) days after the last day of  
20       the fiscal year, submit to the President of the State Board of  
21       Agriculture a report itemizing all income and expenditures and  
22       describing all activities of the Commission during the fiscal year;

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

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

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

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

18                   a. errors in judgment, or

19                   b. mistakes.

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

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

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

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

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

19 a. filed not later than thirty (30) days before the date  
20 set for the election, and

21 b. on a form approved by the Department for the initial  
22 election and approved by the Commission thereafter.

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

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

16           D. 1. Each sorghum producer in the district who is actively  
17 engaged in the production of sorghum in commercial quantities in the  
18 current fiscal year of the calling of the election shall be entitled  
19 to vote in any ~~such~~ election. The Department shall determine any  
20 questions of eligibility to vote in the initial election.  
21 Thereafter, the Commission shall determine questions of eligibility  
22 to vote. Proof of voter eligibility shall include, but not be

1 limited to, a dated grain elevator receipt which includes the  
2 sorghum producer's name and address and the amount of sorghum sold.

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

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

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

13 F. 1. For the initial election, the President shall approve  
14 the form of the ballot, and thereafter the Commission shall prepare  
15 the ballot.

16 2. Ballots shall be prepared and distributed in advance of the  
17 election.

18 3. The election ballot shall be printed with the names of  
19 candidates who have filed valid petitions and applications pursuant  
20 to this section. In addition, the ballot shall provide a space for  
21 write-in candidates.

22 4. Each ballot shall clearly state any voter eligibility  
23 requirements.

1           5. The ballot shall require the signature and place of  
2 residence of the sorghum producer voting in the election.

3           6. All prepared ballots shall be mailed or delivered in person  
4 to a location or locations designated by the Department for the  
5 initial election and by the Commission for elections held  
6 thereafter.

7           7. Rules promulgated by the State Board of Agriculture for the  
8 initial election, and by the Commission thereafter, shall be  
9 promulgated pursuant to Article I of the Administrative Procedures  
10 Act. The rules shall include, but not be limited to:

- 11           a. instructions to voters,
- 12           b. conduct of elections,
- 13           c. in-person absentee ballots or special write-in  
14                 absentee ballots,
- 15           d. balloting in-person locations and a central location  
16                 for mail-in ballots,
- 17           e. hours for voting,
- 18           f. write-in votes for any eligible person whose name is  
19                 not printed on the ballot,
- 20           g. canvassing and reporting of returns, and
- 21           h. ~~such~~ other information deemed necessary by the  
22                 Commission.

1 G. 1. Ballots in all propositions and elections will be  
2 counted by a committee consisting of a representative of the  
3 Oklahoma Cooperative Extension Service, a representative of the  
4 Oklahoma Sorghum Commission, and a representative designated by the  
5 State Department of Agriculture.

6 2. The candidate receiving the largest number of votes cast in  
7 the district election shall be ~~deemed to have been~~ elected to  
8 office. In case of a tie vote, the President will cast the tie-  
9 breaking vote.

10 3. In all elections, results will be certified to the President  
11 for verification.

12 4. All ballots shall be locked in a container and stored in the  
13 county clerk's office in the county designated by the President. If  
14 no contests or investigations arise out of the election within  
15 thirty (30) days after the day of ~~such~~ the election, the ballots may  
16 be destroyed by the office of the county clerk by shredding or  
17 burning after notification to the President and the Commission of  
18 the proposed destruction.

19 5. Any contest of the election or investigation shall be filed  
20 in district court in any county in the district holding the election  
21 within thirty (30) days after the day the ballots are counted.

22 6. In any case, if a recount is allowed by the district court,  
23 the court shall have the power to impound the locked ballot boxes

1 and appoint a new canvassing committee consisting of three new  
2 representatives from the same background as the original canvassing  
3 committee.

4 SECTION 139. AMENDATORY Section 6, Chapter 151, O.S.L.  
5 1997 (2 O.S. Supp. 2000, Section 1850.6), is amended to read as  
6 follows:

7 Section 1850.6 A. Beginning ninety (90) days after the  
8 election of the initial Oklahoma Sorghum Commission, there is hereby  
9 assessed a fee of one cent (\$0.01) per bushel ~~or one and three-~~  
10 ~~quarters cent (\$0.0175) per hundred weight~~ upon all sorghum marketed  
11 by sorghum producers in this state and sold or handled through  
12 commercial channels. The fee shall be assessed and imposed upon the  
13 sorghum producer at the time of sale or delivery and shall be  
14 collected and remitted by the first purchaser to the Commission.  
15 Pursuant to the provisions of ~~this act~~ the Oklahoma Sorghum  
16 Resources Act, no sorghum shall be subject to assessment of a fee  
17 more than once.

18 B. 1. The first purchaser shall collect the assessment by  
19 deducting the appropriate amount from the purchase price of the  
20 sorghum or from any funds advanced for that purpose.

21 2. The Commission, by registered or certified mail, shall  
22 notify each first purchaser of the duty to collect the assessment,  
23 the manner in which the assessment is to be collected, and the date

1 on or after which the first purchaser is to begin collecting the  
2 assessment.

3 3. The amount of the assessment collected shall be clearly  
4 shown on the sales invoice or other document evidencing the  
5 transaction. The first purchaser shall furnish a copy of the  
6 document to the sorghum producer.

7 4. The Commission shall establish, by rule, the procedures for  
8 the collection and remittance of the assessment.

9 SECTION 140. AMENDATORY Section 7, Chapter 151, O.S.L.  
10 1997 (2 O.S. Supp. 2000, Section 1850.7), is amended to read as  
11 follows:

12 Section 1850.7 A. The first purchaser shall render and have on  
13 file a report along with remittance of the fees collected pursuant  
14 to the Oklahoma Sorghum Resources Act on the fifteenth of each  
15 calendar quarter. The report shall include the total amount of fees  
16 assessed by the first purchaser, the total amount of sorghum  
17 purchased and ~~such~~ other information as may be required by the  
18 Oklahoma Sorghum Commission.

19 B. If the first purchaser fails to make a report and remittance  
20 as required by the Oklahoma Sorghum Resources Act, the Commission  
21 shall determine the amount collected and owed by the first  
22 purchaser, which shall be prima facie correct. Any first purchaser  
23 having failed to make the report as required by the Oklahoma Sorghum

1 Resources Act shall, within ten (10) days after notice of the  
2 computed collection amount established by the Commission is mailed  
3 to ~~such~~ the first purchaser, pay the computed collection amount,  
4 together with a penalty of five percent (5%) of the computed  
5 collection amount. The first purchaser may dispute the computed  
6 collection amount established by the Commission and request the  
7 Commission to hold a hearing to redetermine the amount of the  
8 computed collection and the penalty to be imposed. No payment shall  
9 be made until the Commission enters its order determining the amount  
10 of ~~such~~ payment. The payment of the determined collection amount  
11 and penalty shall be paid within ten (10) days of notice of ~~such~~ the  
12 decision.

13 C. At any time the State Department of Agriculture may request  
14 an audit of the first purchaser to determine whether the collection  
15 and proper disposition of the collected assessment were made  
16 pursuant to the provisions of the Oklahoma Sorghum Resources Act and  
17 rules promulgated thereto.

18 D. The first purchaser shall retain any records or reports  
19 relating to the collection of the assessment for at least three (3)  
20 years.

21 SECTION 141. AMENDATORY Section 8, Chapter 151, O.S.L.  
22 1997 (2 O.S. Supp. 2000, Section 1850.8), is amended to read as  
23 follows:

1 Section 1850.8 A. The chair of the Oklahoma Sorghum Commission  
2 shall make an annual report to the Secretary of Agriculture, within  
3 forty-five (45) days after June 30 of each year, showing in detail  
4 all income and expenditures and any other facts relevant to the  
5 Oklahoma Sorghum Resources Act. ~~Such~~ The annual report shall  
6 include a list of all officers and any employees of the Commission  
7 and shall indicate the official positions of ~~such~~ officers and any  
8 employees and salaries paid ~~thereto~~.

9 B. The report shall be available to the public. A copy shall  
10 be sent upon request to any producer upon whom the assessment is  
11 assessed.

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

14 SECTION 142. AMENDATORY Section 9, Chapter 151, O.S.L.  
15 1997 (2 O.S. Supp. 2000, Section 1850.9), is amended to read as  
16 follows:

17 Section 1850.9 A. Any sorghum producer subject to the  
18 assessment provided in ~~Section 6 of this act~~ the Oklahoma Sorghum  
19 Resources Act may request a refund of the fees so assessed, within  
20 sixty (60) days following the collection of the fee. Any sorghum  
21 producer requesting a refund shall make application to the Oklahoma  
22 Sorghum Commission for the refund of ~~such~~ the assessment. Along  
23 with the application, the sorghum producer shall submit the evidence

1 of payment of the fee and of the amount of sorghum sold required by  
2 the Commission. The Commission may verify the accuracy of the  
3 request for the refund.

4 B. Upon receipt of the application for a refund and evidence  
5 required, the Commission shall refund the amount of the assessment  
6 owed to the producer within thirty (30) days of the date the refund  
7 request was received and the Commission received payment from the  
8 first purchaser.

9 SECTION 143. AMENDATORY Section 10, Chapter 151, O.S.L.  
10 1997 (2 O.S. Supp. 2000, Section 1850.10), is amended to read as  
11 follows:

12 Section 1850.10 A. There is ~~hereby~~ created the Oklahoma  
13 Sorghum Resources Fund. The Oklahoma Sorghum Resources Fund shall  
14 be administered by the Oklahoma Sorghum Commission for the benefit  
15 of the sorghum producers in this state for the purposes specified by  
16 the Oklahoma Sorghum Resources Act. The Oklahoma Sorghum Resources  
17 Fund shall be established and maintained in a bank or other  
18 depository as approved by the Commission and the President of the  
19 State Board of Agriculture.

20 B. The Oklahoma Sorghum Resources Fund shall consist of:

21 1. All monies received by the Commission as proceeds from the  
22 assessment imposed pursuant to ~~Section 6 of this act~~ the Oklahoma  
23 Sorghum Resources Act;

1           2. Interest attributable to investment of money in the Oklahoma  
2 Sorghum Resources Fund; and

3           3. Monies received by the Commission in the form of gifts,  
4 grants, reimbursements, or from any other source designated by law  
5 for deposit to the Oklahoma Sorghum Resources Fund.

6           C. Any costs incurred by the Commission pursuant to the  
7 provisions of the Oklahoma Sorghum Resources Act shall not exceed  
8 the actual collections of the Commission.

9           D. Monies in the Oklahoma Sorghum Resources Fund shall only be  
10 expended for:

11           1. Implementation and management of the Oklahoma Sorghum  
12 Resources Act; and

13           2. Costs incurred by the Commission and the State Board of  
14 Agriculture for the administration of the Oklahoma Sorghum Resources  
15 Act.

16           SECTION 144.           AMENDATORY           Section 11, Chapter 151, O.S.L.  
17 1997 (2 O.S. Supp. 2000, Section 1850.11), is amended to read as  
18 follows:

19           Section 1850.11 Upon the approval of the State Treasurer, any  
20 of the monies in the Oklahoma Sorghum Resources Fund may be invested  
21 by the Oklahoma Sorghum Commission in securities of the state or  
22 federal government, certificates of deposit or certificates of any  
23 bank, trust company, or savings and loan association insured by a

1 federal agency. The principal and interest when due shall be paid  
2 into the Oklahoma Sorghum Resources Fund.

3 SECTION 145. AMENDATORY Section 12, Chapter 151, O.S.L.  
4 1997 (2 O.S. Supp. 2000, Section 1850.12), is amended to read as  
5 follows:

6 Section 1850.12 A. Sorghum producers may petition for a  
7 referendum to determine if the assessment is to be continued, at any  
8 time after five (5) years following November 1, 1997. The President  
9 of the State Board of Agriculture shall call and conduct a  
10 referendum if the petitions bear signatures of ten percent (10%) of  
11 the sorghum producers. No more than one ~~such~~ referendum shall be  
12 conducted in any one thirty-six-month period. The State Department  
13 of Agriculture shall determine if the petition bears the required  
14 number of valid signatures. The President shall announce the  
15 referendum at least thirty (30) days prior to the day of voting. At  
16 least thirty (30) days before the referendum, the Department shall  
17 mail a notice of ~~said~~ the referendum to all known sorghum producers  
18 in the State of Oklahoma who market sorghum in commercial  
19 quantities. The notice shall specify the dates, times, and places  
20 for holding the referendum, and shall include a sample ballot with  
21 the following wording:

22 DO YOU FAVOR A CONTINUATION OF THE ONE CENT (\$0.01) PER BUSHEL  
23 ~~OR ONE AND THREE-QUARTERS CENT (\$0.0175) PER HUNDRED WEIGHT~~

1 ASSESSMENT ON SORGHUM MARKETED IN OKLAHOMA FOR UTILIZATION,  
2 RESEARCH, EDUCATION, PROMOTION, AND MARKET DEVELOPMENT?

3 YES ( )

NO ( )

4 B. Places within each county for conducting ~~said~~ the  
5 referendum shall be designated by the Oklahoma Sorghum Commission,  
6 and voting in each county shall be supervised by the county  
7 agricultural extension agent, or person designated by the  
8 Department. The Commission shall ensure sufficient ballots and  
9 supplies necessary for the conduct of the voting and tabulation of  
10 returns. Certified results of the referendum in each district shall  
11 be transmitted within twenty-four (24) hours after voting ends to  
12 the President, and the ballots shall be transmitted to the President  
13 within forty-eight (48) hours. Ballots shall be preserved by the  
14 President for a period of at least three (3) months.

15 C. 1. The results of the referendum shall be determined by  
16 the President, and the results certified to the Chair of the  
17 Commission who shall issue a proclamation declaring the results.

18 2. The Commission shall bear expenses of advertising and  
19 conducting the referendum.

20 D. Whenever the question of levying the assessments is  
21 disapproved, by failure of sixty percent (60%) of the sorghum  
22 producers voting in the referendum to favor continuation of the  
23 assessments, the proclamation declaring the result shall provide for

1 the termination of the assessments on April 30, following the date  
2 of ~~said~~ the referendum.

3 SECTION 146. AMENDATORY 2 O.S. 1991, Section 31, is  
4 amended to read as follows:

5 Section 31. A. Agricultural Fair Corporations may ~~purchase~~:

6 1. Purchase, hold or lease or otherwise acquire any quantity of  
7 land necessary for their proper operation, with such buildings and  
8 improvements as may be erected thereon, ~~and may sell~~;

9 2. Sell, lease, or otherwise dispose of ~~the same~~ such land,  
10 buildings and improvements at their pleasure. ~~Such real~~

11 B. Real estate must be held for the purpose of erecting  
12 buildings and making other improvements thereon, to ~~promote~~:

13 1. Promote and encourage:

14 a. agriculture,

15 b. horticulture,

16 c. mechanics,

17 d. manufacturers,

18 e. stock raising,

19 f. 4-H clubs,

20 g. Future Farmers of America,

21 h. Home Demonstration Clubs,

22 i. poultry raising,

23 j. arts,



1 mortgage on the property of the corporation. The directors of any  
2 Agricultural Fair Corporation who vote therefor shall be personally  
3 liable for any debt contracted or incurred in violation of this  
4 section.

5 SECTION 148. AMENDATORY 2 O.S. 1991, Section 33, is  
6 amended to read as follows:

7 Section 33. A. Agricultural ~~fair corporations~~ are Fair  
8 Corporations shall not be conducted for profit, and shall have no  
9 capital stock or income other than that derived from charges to  
10 exhibitors and fees for membership and admissions, ~~which.~~ Such  
11 charges and fees, together with the term of membership and mode of  
12 acquiring ~~the same must~~ membership shall be provided for in ~~their~~  
13 the bylaws of the corporations. Such

14 B. Any charges and fees ~~must never~~ shall not be greater than  
15 necessary to raise sufficient money to discharge the debt for the  
16 real estate and the improvements thereon, and to defray the current  
17 expenses of fairs.

18 SECTION 149. AMENDATORY 2 O.S. 1991, Section 34, is  
19 amended to read as follows:

20 Section 34. Agricultural ~~fair corporations~~ Fair Corporations  
21 may ~~also~~ be organized by three or more persons, as in the case of  
22 other corporations, with all the rights, privileges and liabilities  
23 appertaining to such corporations under the corporation laws of this

1 state, including ~~such~~ the rights and privileges as are specified in  
2 this section and ~~the three preceding sections~~ Sections 146 through  
3 148 of this act.

4 SECTION 150. AMENDATORY 2 O.S. 1991, Section 35, is  
5 amended to read as follows:

6 Section 35. The county commissioners of the ~~different~~ counties  
7 of this state, having a county fair association, ~~duly~~ organized  
8 ~~under~~ pursuant to the laws of Oklahoma, are hereby authorized to  
9 appropriate any sum of money not to exceed Five Hundred Dollars  
10 (\$500.00) each year to be offered as special premiums, such special  
11 premiums to be determined upon by the county commissioners and the  
12 directors of the fair association, ~~which.~~ Such money shall be used  
13 to pay premiums of the county fair for exhibits of agricultural and  
14 horticultural products and improved stock.

15 SECTION 151. AMENDATORY 2 O.S. 1991, Section 36, is  
16 amended to read as follows:

17 Section 36. A. The funds provided for in Section ~~4~~ 15-5 of  
18 this title shall be derived from any funds on hand, not otherwise  
19 appropriated, in the contingent fund of the county, ~~and the.~~ The  
20 county commissioners shall audit and allow bills presented by  
21 persons to whom premiums have been awarded as in other cases, on  
22 filing with ~~said~~ the bill, a certificate of the secretary and  
23 treasurer of the fair association, ~~which.~~ The certificate shall

1 state the person to whom the premium was awarded, and the amount and  
2 character of the exhibit for which premium was awarded; ~~Provided,~~  
3 ~~that no.~~

4 B. No part of ~~said the~~ appropriation shall be allowed or paid  
5 for exhibitions of speed or races.

6 SECTION 152. AMENDATORY 2 O.S. 1991, Section 37, is  
7 amended to read as follows:

8 Section 37. The county commissioners when petitioned to do so  
9 by thirty percent (30%) of the resident taxpayers of their county  
10 shall call a special election of the resident taxpayers ~~to whom they~~  
11 for purposes of this section. The commissioners shall submit the  
12 question to the resident taxpayers "Shall the county commissioners  
13 appropriate any sum of money, not to exceed one-half of one mill on  
14 the total assessed valuation of their counties for each current  
15 year, for premiums on agricultural and horticultural products and on  
16 purebred livestock and poultry?"

17 SECTION 153. AMENDATORY 2 O.S. 1991, Section 38, is  
18 amended to read as follows:

19 Section 38. The petition to the county commissioners shall name  
20 the stock show or fair association that the petitioners desire to  
21 ~~have the management of said~~ manage the stock show or fair.

22 SECTION 154. AMENDATORY 2 O.S. 1991, Section 39, is  
23 amended to read as follows:

1 Section 39. When directed by a vote of the resident taxpayers,  
2 as provided in Section ~~3~~, 15-7 of this ~~act~~ title, the county  
3 commissioners shall at their first meeting thereafter, notify the  
4 officers of the stock show or fair association named in the petition  
5 that ~~said~~ the premiums shall be allowed and paid to the amount named  
6 in the petition and no more, provided, that admittance is free at  
7 all times to ~~said~~ the stock show or fair association ~~where said~~ at  
8 which the premiums are offered; ~~and further~~. The commissioners  
9 shall determine and notify ~~said~~ the association of the number and  
10 amount of premiums to be offered and have a premium list printed,  
11 which shall be furnished free to all interested, ~~and~~. The premiums  
12 shall be paid in accordance with ~~said~~ the list.

13 SECTION 155. AMENDATORY 2 O.S. 1991, Section 40, is  
14 amended to read as follows:

15 Section 40. The county commissioners shall not pay ~~no~~ premiums  
16 except on a voucher ~~which~~. The voucher shall state the name of the  
17 person and ~~his~~ the person's address, to whom the premium was  
18 awarded; ~~said~~. The voucher must be signed by the judge ~~(or judges,~~  
19 ~~if more than one)~~ who awards the premium, ~~said~~. The voucher must  
20 also be signed and certified ~~to~~ by the person acting as clerk to the  
21 judge ~~(or judges)~~.

22 SECTION 156. AMENDATORY 2 O.S. 1991, Section 41, is  
23 amended to read as follows:

1 Section 41. The funds provided for ~~in this act~~ by Section 15-7  
2 of this title shall be derived from any fund on hand, and not  
3 otherwise appropriated, in the contingent fund of the county. If  
4 the amount available in the contingent fund is insufficient then  
5 ~~said~~ the county commissioners are authorized and directed to make a  
6 special tax levy for the contingent fund for the amount necessary.

7 SECTION 157. AMENDATORY 2 O.S. 1991, Section 42, is  
8 amended to read as follows:

9 Section 42. The county commissioners at a special meeting to be  
10 held on the last day of the stock show or fair, or as soon  
11 thereafter as possible shall audit:

12 1. Audit and allow bills presented by the persons to whom  
13 premiums have been awarded, or to their order~~7;~~ and ~~order~~

14 2. Order the county clerk to issue a warrant for the ~~same~~  
15 bills.

16 SECTION 158. AMENDATORY 2 O.S. 1991, Section 44, is  
17 amended to read as follows:

18 Section 44. Any and all monies in the "Free Fair Building Fund"  
19 of any county which has been raised by levy therefor or transfer  
20 ~~thereto~~ into the Fund from the sinking funds of ~~such~~ the county may  
21 be invested by the board of county commissioners with the approval  
22 of the directors of the county free fair association, in bonds or

1 notes issued by the United States Government or the Treasury  
2 Department of the United States.

3 SECTION 159. AMENDATORY 2 O.S. 1991, Section 45, is  
4 amended to read as follows:

5 Section 45. The Board of Directors of any nonprofit  
6 Agricultural Fair Corporation organized under the laws of the State  
7 of Oklahoma may establish a retirement pay plan for any of its  
8 employees faithfully performing his or her duties for a period of  
9 more than thirty (30) years ~~which.~~ The payments shall be considered  
10 a part of current operating expenses of ~~said~~ the corporation and the  
11 amount of ~~such~~ the payments and methods of making ~~such~~ the payments  
12 shall be determined from year to year by the ~~said~~ Board of Directors  
13 as they may see fit.

14 SECTION 160. AMENDATORY 2 O.S. 1991, Section 71, is  
15 amended to read as follows:

16 Section 71. For the purpose of encouraging the development of  
17 the agricultural, horticultural, mechanical, mineral, stock-raising  
18 and all other industrial interests of the State of Oklahoma, three  
19 or more counties may, as otherwise provided in this ~~act~~ article,  
20 organize a free district fair, provided that ~~no~~ :

21 1. No such free district fair shall be held within one hundred  
22 (100) miles of any other free district or State Fair; ~~provided,~~  
23 ~~further, that the~~ and

1        2. The provisions of this ~~act~~ article shall not interfere with  
2 the operation of the present law with reference to the organization  
3 and operation of free township and county fairs already organized.

4        SECTION 161.        AMENDATORY        2 O.S. 1991, Section 72, is  
5 amended to read as follows:

6        Section 72. The officers of the free district fair association  
7 shall be chosen from the delegates selected by the counties entering  
8 ~~said the association, and.~~ The officers shall consist of a  
9 president, secretary and board of directors. The president and  
10 secretary selected ~~as provided in Section 3652, of the Oklahoma~~  
11 ~~Compiled Laws, 1921,~~ pursuant to Section 15-55 of this title for  
12 county fair association organizations of each of the counties  
13 constituting the free district fair association shall be and  
14 constitute the board of directors of ~~said the~~ free district fair  
15 association from which membership a president and secretary shall be  
16 elected.

17        SECTION 162.        AMENDATORY        2 O.S. 1991, Section 73, is  
18 amended to read as follows:

19        Section 73. A. The president, secretary and board of directors  
20 shall constitute the executive board of the free district fair  
21 association and shall have full power and authority to make all  
22 rules ~~and regulations~~ for holding the free district fair in  
23 accordance with the provisions of this ~~act,~~ and article. The

1 executive board shall have authority to expend the funds of the free  
2 district fair association, but in no case shall the expenditures  
3 exceed the amount of money donated and appropriated; ~~provided, that~~  
4 ~~the.~~

5 B. The time of holding ~~said~~ a free district fair shall be so  
6 placed as to not interfere with the dates of any county fair  
7 comprising the association or any free state fair.

8 SECTION 163. AMENDATORY 2 O.S. 1991, Section 74, is  
9 amended to read as follows:

10 Section 74. A. The executive board shall ~~make:~~

11 1. Make an estimate of the cost of the free district fair ~~and~~  
12 ~~shall apportion;~~

13 2. Apportion to each of the counties comprising the association  
14 the portion to be borne by ~~same~~ each member county together with the  
15 plan and items of expenditures, ~~;~~ and ~~shall certify such~~

16 3. Certify the estimate to the county excise board in each of  
17 the member counties in time to be acted on by ~~said~~ the county excise  
18 board at its annual meeting for making tax levies.

19 B. The items to be considered in the expenditure of funds shall  
20 be ~~as follows~~ for:

21 ~~First. For premiums~~ 1. Premiums on livestock, poultry, fruit,  
22 agriculture, horticultural and dairy products; boys' and girls' club  
23 work, school exhibits, culinary products, textile products,

1 needlework and sewing, hand painting, decorating and drawing, and  
2 cultivated plants and flowers-;

3 ~~Second. For the~~ 2. The necessary expenses of management of  
4 free district fairs organized under the provisions of this ~~act~~  
5 article, including office expense, postage, telegraph and telephone,  
6 traveling expenses of secretary within the district in which the  
7 fair is held, printing (except premium lists) and necessary office  
8 supplies, premium ribbons and badges, clerical help, guards,  
9 superintendents and judges-; and

10 ~~Third. For advertising~~ 3. Advertising the fair and for  
11 decorating and cleaning the grounds and buildings, and for caring  
12 for the grounds during the fair.

13 SECTION 164. AMENDATORY 2 O.S. 1991, Section 75, is  
14 amended to read as follows:

15 Section 75. The authority for the county excise boards in  
16 counties comprising the free district fair associations shall be by  
17 special election of the resident tax payers in the various counties  
18 ~~to whom.~~ At the special election, the following question shall be  
19 submitted ~~the questions~~ to the resident taxpayers: "Shall the  
20 county commissioners appropriate any sum of money, not to exceed one  
21 (1) mill on the total assessed valuation of their counties for each  
22 current year for premiums on agricultural and horticultural products  
23 and on purebred livestock and poultry, at the free district fair?"

1 SECTION 165. AMENDATORY 2 O.S. 1991, Section 76, is  
2 amended to read as follows:

3 Section 76. The special election mentioned in Section ~~57~~ 15-25  
4 of this ~~act~~, title shall be called by the county commissioners of  
5 each of the said counties when requested to do so upon a petition  
6 signed by thirty percent (30%) of the resident ~~tax-payers~~ taxpayers  
7 of said counties, and said petition shall designate the time and  
8 place of holding said free district fair.

9 SECTION 166. AMENDATORY 2 O.S. 1991, Section 77, is  
10 amended to read as follows:

11 Section 77. When directed by a vote of the resident taxpayers,  
12 at ~~such~~ the special election, the county commissioners shall at  
13 their first meeting thereafter, notify the county excise board that  
14 ~~the same:~~

15 1. The question specified by Section 15-25 of this title has  
16 been voted upon and carried; and ~~that the~~

17 2. The estimate as submitted by the board of directors of the  
18 free district fair association amounts to a sum, not to exceed the  
19 amount voted upon, and ~~said.~~

20 The excise board shall proceed to levy upon the total valuation of  
21 the county a tax sufficient to raise the amount named in ~~said~~ the  
22 county commissioners' report, not to exceed one (1) mill, for ~~said~~  
23 the free district fair purposes.

1 SECTION 167. AMENDATORY 2 O.S. 1991, Section 78, is  
2 amended to read as follows:

3 Section 78. A. The free district fair association shall have  
4 exclusive rights to all stand rights and privileges, ~~and admission.~~  
5 Admission may be charged to races, horse shows, or any other special  
6 amusements; ~~provided, that no.~~ No money appropriated under this act  
7 is collected pursuant to this section shall be used to defray any  
8 expenses or costs of such races, horse show or amusements; ~~and,~~  
9 ~~provided, further, that.~~ In addition, the charging of admission to  
10 such amusements ~~does~~ shall not interfere with free access of the  
11 public to all exhibits.

12 B. All monies derived from rights and privileges of the  
13 fairgrounds shall be collected by the secretary of the free district  
14 fair association, and except as provided in this section, may be  
15 used in defraying ~~such expenses as are not itemized in this act.~~

16 C. Any balance that may be on hand after such expenses shall be  
17 turned over to the secretary, who shall place it in the free  
18 district fair fund.

19 SECTION 168. AMENDATORY 2 O.S. 1991, Section 79, is  
20 amended to read as follows:

21 Section 79. Premium catalogs shall be printed in sufficient  
22 numbers for distribution throughout the ~~territory~~ area comprising

1 the free fair district, ~~the~~. The expense of which printing the  
2 premium catalogs shall be borne by advertisers in ~~said~~ the catalog.

3 SECTION 169. AMENDATORY 2 O.S. 1991, Section 80, is  
4 amended to read as follows:

5 Section 80. No admittance fee shall be charged by any free  
6 district fair association ~~where~~ if any premiums are offered, to any  
7 grounds or enclosure where public exhibitions are made for public  
8 premiums.

9 SECTION 170. AMENDATORY 2 O.S. 1991, Section 81, is  
10 amended to read as follows:

11 Section 81. A. All funds of the free district fair  
12 association, ~~of every kind and nature,~~ shall be deposited in a bank  
13 selected by the board of directors of such association ~~and an.~~ An  
14 accurate and itemized account of ~~same~~ such funds shall be kept  
15 together with the itemized statement of disbursements and cancelled  
16 checks for ~~same; provided, that no~~ disbursements.

17 B. No disbursement shall be made except upon a check ~~being~~  
18 signed by the president, and countersigned by the secretary of ~~said~~  
19 a free district fair association, ~~and an.~~

20 C. An annual report of ~~said~~ the itemized receipts and  
21 disbursements ~~as itemized~~ shall be made to the Governor and the  
22 Chairman of the Oklahoma State Board of Agriculture ~~of the State of~~  
23 ~~Oklahoma.~~

1 SECTION 171. AMENDATORY 2 O.S. 1991, Section 82, is  
2 amended to read as follows:

3 Section 82. The State of Oklahoma shall not be liable for any  
4 sum ~~or sums~~ of money whatsoever, by reason of the running, operating  
5 or establishing of a free district fair, ~~under~~ pursuant to the  
6 provisions of this ~~bill, and any~~ article. Any deficiency or expense  
7 occasioned by the running or operating of ~~said a~~ free district fair  
8 shall never be paid by the State of Oklahoma, ~~and shall not~~ nor be a  
9 ~~moral~~ charge against the state, ~~and the passage of this bill is~~  
10 ~~conditioned upon the fact that no liability of any nature whatsoever~~  
11 ~~shall ever devolve upon the State of Oklahoma by reason of the~~  
12 ~~running and operating of said free district fair.~~

13 SECTION 172. AMENDATORY 2 O.S. 1991, Section 91, is  
14 amended to read as follows:

15 Section 91. A. There may be organized in each county in the  
16 State of Oklahoma a county free fair association.

17 B. The term "free fair" as used in Sections 172 through 186 of  
18 this act shall be construed to mean township and county fairs,  
19 livestock shows, and other agricultural shows where admission to the  
20 grounds and all exhibit buildings are free and ~~where~~ no charge is  
21 made for entering exhibits on which premiums are offered.

1 SECTION 173. AMENDATORY Section 1, Chapter 50, O.S.L.  
2 1999 (2 O.S. Supp. 2000, Section 91.1), is amended to read as  
3 follows:

4 Section 91.1 Any county in which a free state fair is abolished  
5 by the Oklahoma Legislature may organize and create a county fair  
6 pursuant to the provisions of ~~Title 2 of the Oklahoma Statutes~~ this  
7 article.

8 SECTION 174. AMENDATORY 2 O.S. 1991, Section 92, is  
9 amended to read as follows:

10 Section 92. The object of free fairs ~~shall be~~ is to promote  
11 agriculture, horticulture, livestock and poultry raising,  
12 manufacturing, arts, trades and every industry of the county in  
13 which the fair is held.

14 SECTION 175. AMENDATORY 2 O.S. 1991, Section 93, is  
15 amended to read as follows:

16 Section 93. A. The county fair association in each county,  
17 organized ~~under~~ pursuant to Section 15-51 of this act title, shall  
18 consist of two members in each municipal township, in each county,  
19 who are resident qualified voters in ~~said~~ the county and who have  
20 been elected at ~~mass~~ public meetings or appointed by the county  
21 commissioners as ~~hereinafter~~ provided pursuant to this section.

22 B. The county farm agent of any county may, or if there is no  
23 such agent, upon petition of fifty resident citizens of the county,

1 the county commissioners shall, within thirty (30) days after the  
2 filing of ~~such~~ the petition, call a ~~mass~~ public meeting in each  
3 municipal township, in each such county, for the purpose of electing  
4 the two members of the county fair association.

5 C. The call for ~~such mass~~ the public meeting shall be made by  
6 posting notices in at least three public places in the township or  
7 by both posting notices and publication in a newspaper of general  
8 circulation in the county. ~~Such~~ The notices and publications shall  
9 state the purpose of the ~~mass~~ meeting, the time and place of holding  
10 the ~~same, and such~~ meeting. The notices and publication must be  
11 made one (1) week before date of the meeting.

12 D. A chairman and a secretary shall be chosen at each of the  
13 various township meetings for the purpose of conducting the ~~said~~  
14 ~~mass~~ public meetings and who shall certify to the county  
15 commissioners the names of the two elected members of the county  
16 fair association. ~~Such~~ The certificate shall be made to the county  
17 commissioners not later than June first of the fiscal year in which  
18 the township ~~mass~~ public meetings are held. If any township or  
19 townships in any county fail to hold a ~~mass~~ public meeting for the  
20 election of members of the county fair association, the county  
21 commissioners of such county shall appoint two members in each of  
22 ~~said~~ the townships, who shall have the same power and authority as  
23 the elected members.

1        E. Township ~~mass~~ public meetings for the election of members of  
2 the county fair association may be called at any time prior to June  
3 first in any fiscal year ~~and the.~~ The members so elected shall hold  
4 their office for a period of two (2) years and until their  
5 successors are elected or appointed.

6        SECTION 176.        AMENDATORY        2 O.S. 1991, Section 94, is  
7 amended to read as follows:

8        Section 94. As soon as practicable, prior to July first, after  
9 the election of members of the county fair association, the members  
10 elect shall meet at the county seat and shall perfect an  
11 organization by the election of a president, vice president,  
12 secretary and a board of directors ~~consisting.~~ The Board of  
13 Directors shall consist of the president, vice president, secretary  
14 and four members, and such committees and officers as shall be  
15 deemed necessary. The secretary may be selected outside of the  
16 association, but must be a resident of the county seat or the town  
17 or city where the county fair is held.

18        SECTION 177.        AMENDATORY        2 O.S. 1991, Section 95, is  
19 amended to read as follows:

20        Section 95. Special meetings may be called at any time  
21 ~~thereafter~~ by the president or secretary of the county fair  
22 association or upon written request of ~~one-fourth~~ one-fourth (1/4) of  
23 the members of ~~said~~ the association. Notices of regular and special

1 meetings shall be given by mail at least three (3) days prior to  
2 such meetings.

3 SECTION 178. AMENDATORY 2 O.S. 1991, Section 96, is  
4 amended to read as follows:

5 Section 96. The board of directors shall constitute the  
6 executive board of the county fair association and shall have full  
7 power and authority to make:

8 1. Make all rules ~~and regulations~~ for holding the township and  
9 county fairs in accordance with the provisions of ~~this act~~, Sections  
10 15-51 through 15-96 of this title; and ~~shall have the authority to~~  
11 ~~expend~~

12 2. Expend the funds of the county fair association as herein  
13 provided, but in no case shall the expenditures exceed the amount of  
14 the appropriation.

15 SECTION 179. AMENDATORY 2 O.S. 1991, Section 97, is  
16 amended to read as follows:

17 Section 97. A. The executive board, with such committee as may  
18 be selected from the county fair association, shall make an estimate  
19 of the cost of the township and county fairs, and shall certify such  
20 estimate to the county excise board in time to be acted upon by ~~said~~  
21 the county excise board at its annual meeting for making tax levies.

22 B. The items to be considered in the expenditure of funds shall  
23 be ~~as follows~~ for:

1       ~~First. For premiums~~ 1. Premiums on livestock, poultry,  
2 agricultural and horticultural products, dairy products, boys' and  
3 girls' club work, products of domestic science and domestic arts,  
4 school exhibits, hand painting, decorating and drawing, manufactured  
5 articles, cultivated plants and flowers-;

6       ~~Second. For necessary~~ 2. Necessary expenses of management of  
7 township and county fairs organized under the provisions of this ~~act~~  
8 article, including office expenses, postage, telegraph and  
9 telephone, salary and traveling expenses of the secretary, printing  
10 and necessary office supplies, premium ribbons and badges, clerical  
11 help, guards, superintendents and judges-;

12       ~~Third. For advertising~~ 3. Advertising the fairs and for  
13 decorating and cleaning the grounds and buildings, and for caring  
14 for the grounds and buildings-; and

15       ~~Fourth. For transportation~~ 4. Transportation and arrangement  
16 of township fair exhibits at the county fair and county fair  
17 exhibits at the Oklahoma State Fair and other State Fairs.

18       SECTION 180.       AMENDATORY       2 O.S. 1991, Section 98, is  
19 amended to read as follows:

20       Section 98. For the purpose of defraying the expense of holding  
21 county and township fairs ~~as herein provided~~, the excise board of  
22 each county may make an annual levy upon all taxable property in the  
23 county, of not exceeding one-half (1/2) of one (1) mill, per annum,

1 which is hereby declared not to be a current expense and ~~to~~ in  
2 addition to the maximum levy for current expenses now provided by  
3 law. The levy shall be for a special purpose, ~~one-half~~. One-half  
4 (1/2) of ~~such the~~ fund ~~to~~ shall be known as the "free fair fund" and  
5 ~~one-half~~ the other half of ~~such the~~ fund ~~to~~ shall be known as the  
6 4-H Club, F.F.A., and Women's Home Demonstration Club Work Fund ~~in~~  
7 ~~addition to the maximum levy for current expenses now provided by~~  
8 ~~law.~~

9 SECTION 181. AMENDATORY 2 O.S. 1991, Section 99, is  
10 amended to read as follows:

11 Section 99. A. The county treasurer shall collect and  
12 apportion monies for the county free fairs as other monies are  
13 collected and apportioned ~~and in.~~

14 B. In school districts which overlap into adjoining counties,  
15 the levy for the free fair purposes shall be made and collected in  
16 the same manner as for school purposes, ~~and the.~~

17 C. The county treasurer shall disburse the ~~same~~ monies from the  
18 levy upon vouchers issued by the executive board of the county free  
19 fair association, signed by the president and secretary of the same.

20 D. Residents of any school district which overlaps into any  
21 other county shall be eligible to exhibit their products at the  
22 fairs in the county in which the school district is located.

1 SECTION 182. AMENDATORY 2 O.S. 1991, Section 100, is  
2 amended to read as follows:

3 Section 100. A. The township fair shall be the unit of the  
4 free fair plan, and the county fair association shall cooperate with  
5 the state and federal agricultural extension forces in organizing  
6 boys' and girls' clubs, cooperative marketing associations,  
7 livestock improvement associations and such other agricultural  
8 organizations as are deemed advisable by the executive board.

9 B. The executive board ~~shall~~:

10 1. Shall determine the number of township fairs and county or  
11 township livestock shows and other agricultural shows, to be held,  
12 ~~shall~~;

13 2. Shall fix the time and place of holding the ~~same~~ fairs and  
14 shows; and ~~may~~

15 3. May provide that two or more townships or communities within  
16 the county may combine their exhibits in one township fair.

17 C. The management of the township fairs shall be under the  
18 direction of the township members and the secretary of the county  
19 fair association, who ~~will~~:

20 1. Must observe the rules of the executive board, ~~and shall~~;

21 2. Shall select exhibits for the county fair, ~~and shall~~

22 3. Shall transport ~~such~~ the exhibits to the county fair.

1 SECTION 183. AMENDATORY 2 O.S. 1991, Section 101, is  
2 amended to read as follows:

3 Section 101. A. The executive board of the county fair  
4 association shall not include in ~~their~~ its estimate the cost of  
5 grounds and buildings for township and county fairs, ~~and the~~.

6 B. The executive board may arrange for holding the fairs where  
7 suitable grounds and buildings will be provided free.

8 SECTION 184. AMENDATORY 2 O.S. 1991, Section 102, is  
9 amended to read as follows:

10 Section 102. The county fair association shall have exclusive  
11 rights to all stand rights and privileges of township and county  
12 fairs, ~~and admission~~. Admission may be charged to any amusements or  
13 other forms of entertainment; provided, that ~~no~~:

14 1. No money appropriated under this act collected pursuant to  
15 this section, is shall be used to defray any expenses of costs of  
16 such amusements or entertainment; and ~~provided further, that~~  
17 ~~charging~~

18 2. Charging admission to ~~such~~ the amusements does not interfere  
19 with free access of the public to all exhibits.

20 SECTION 185. AMENDATORY 2 O.S. 1991, Section 103, is  
21 amended to read as follows:

22 Section 103. All money derived from rights and privileges on  
23 the fair grounds, except as otherwise provided by Section 15-63 of

1 this title, may be used in defraying ~~such expenses as are not~~  
2 ~~included in this act.~~

3 SECTION 186. AMENDATORY 2 O.S. 1991, Section 104, is  
4 amended to read as follows:

5 Section 104. In any county of the State of Oklahoma, in which a  
6 free fair association is organized and operating under the laws of  
7 the state, an election may be held as ~~hereinafter~~ provided in  
8 Section 15-68 of this title, for the purposes of determining a  
9 permanent free fair site and authorizing the construction and  
10 maintenance of buildings thereon.

11 SECTION 187. AMENDATORY 2 O.S. 1991, Section 104a, is  
12 amended to read as follows:

13 Section 104a. There is hereby established and created in each  
14 county in this state a county free fair ~~to~~. The fair shall be held  
15 at such place in each of ~~said~~ the counties as may have heretofore or  
16 may be hereafter designated by the county free fair board of each of  
17 ~~said~~ the member counties to be known and designated as the (name of  
18 a county) county free fair association, ~~which is hereby declared.~~  
19 The county free fair boards created pursuant to this section are not  
20 ~~to be a state institution~~ institutions, and the State of Oklahoma  
21 shall not be obliged to pay for ~~said fair~~ the fairs.

22 SECTION 188. AMENDATORY 2 O.S. 1991, Section 104b, is  
23 amended to read as follows:

1 Section 104b. A. The term "free fair" as used in Section 15-66  
2 of this act title shall be construed to mean community and county  
3 fairs and livestock shows and other agricultural shows where  
4 admission to the grounds and all exhibit buildings is free and ~~where~~  
5 no charge is made for entering exhibits on which premiums are  
6 offered.

7 B. The ~~said~~ governing board shall have the power to designate  
8 the time, place and number of fairs and livestock shows and  
9 agricultural shows in each county.

10 SECTION 189. AMENDATORY 2 O.S. 1991, Section 104c, is  
11 amended to read as follows:

12 Section 104c. A. ~~1.~~ There is hereby constituted a board of  
13 directors for the free fair association.

14 B. 1. The Board of Directors shall be composed of nine (9)  
15 members, who shall be elected by written ballot for a term of three  
16 (3) years. Three members shall be elected from each county  
17 commissioner's district of the counties, at a ~~mass~~ public meeting or  
18 convention of the qualified electors of each of the commissioner's  
19 district in the counties.

20 2. A qualified elector shall be a registered voter of the  
21 county and may only vote for the board members from the district in  
22 which the elector resides. The county commissioner holding the

1 election may request proof of residency and a voter registration  
2 card of the county to qualify electors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7        SECTION 190.        AMENDATORY        2 O.S. 1991, Section 104d, is  
8 amended to read as follows:

9        Section 104d. ~~Said~~ A. The board of directors is hereby vested  
10 with ~~control~~:

11        1. Control of ~~said~~ the fair ~~and the~~;

12        2. The expenditure of all money levied and collected for the  
13 purpose of conducting ~~said~~ the fair; and

14        3. The power and authority to do all acts and things necessary  
15 in the conduct of ~~said~~ the fair and the management of its fiscal  
16 affairs.

17        B. The board shall prepare an annual budget for ~~said~~ the fair,  
18 which shall be published according to the law provided for budget  
19 publications, ~~and~~. The board shall file the ~~same~~ annual budget with  
20 the county clerk of each of ~~said~~ the member counties.

21        C. 1. The provisions of this section shall also apply to  
22 livestock shows, community and district fairs, and other

1 agricultural shows authorized by the board of directors. ~~Provided,~~  
2 ~~that in~~

3 2. In counties having a population of more than fifty-five  
4 thousand (55,000), according to the 1940 Federal Decennial Census  
5 and in and for which county no state fair is provided by statute, it  
6 shall be the duty of ~~such~~ the board of directors to:

7 a. hold in addition to ~~such~~ the county fair one or more  
8 township fairs, and/or district fairs within such  
9 county, ~~and to~~

10 b. designate the place and time for holding the ~~same~~;  
11 fairs, and ~~to~~

12 c. hold within such county, in addition to the ~~above and~~  
13 ~~foregoing~~ fairs, a junior fat stock show with premiums  
14 the same as a fair at an appropriate time during the  
15 spring months for the purpose of encouraging the youth  
16 of such county in the breeding and feeding of fat  
17 hogs, cattle, sheep and other livestock.

18 SECTION 191. AMENDATORY 2 O.S. 1991, Section 104e, is  
19 amended to read as follows:

20 Section 104e. A. The county commissioners, the county excise  
21 board and all other proper officers of ~~said~~ the county may make an  
22 annual levy upon all taxable property in the county ~~of~~ in an amount  
23 not ~~exceeding~~ to exceed one-half (1/2) of one (1) mill per annum in

1 counties of more than fifteen thousand (15,000) population, ~~and in.~~  
2 In counties of less than fifteen thousand (15,000) population, the  
3 proper officers of ~~said~~ the county may make an annual levy upon all  
4 taxable property in the county of not exceeding one (1) mill per  
5 annum ~~for the.~~ The purpose of ~~raising~~ the levy is to raise funds  
6 for ~~the:~~

7 1. The support and maintenance of ~~said~~ the fair, including the  
8 payment of premiums on livestock, poultry, agricultural and  
9 horticultural products, dairy products, boys' and girls' club work  
10 or other junior agricultural organizations which shall be in one  
11 class, products of domestic science and domestic arts, farm women's  
12 clubs, hand paintings, cultivated plants and flowers; ~~for necessary~~

13 2. Necessary expenses of management of said fair, including  
14 office expenses, postage, telegraph and telephone, salary and  
15 traveling expenses of the secretary, printing and necessary office  
16 supplies; ~~for premium~~

17 3. Premium ribbons and badges, clerical help, guards,  
18 superintendents and judges; ~~for advertising~~

19 4. Advertising, decorating and cleaning the grounds and  
20 buildings, ~~and for the~~

21 5. The repair of or erecting buildings owned and controlled by  
22 said county that are or will be used for free fair purposes.

23 ~~Provided, that in~~

1        B. In the counties of this state having a population in excess  
2 of fifty-five thousand (55,000), according to the 1940 Federal  
3 Decennial Census and in which county there is not authorized a state  
4 fair, it shall be the mandatory duty of the county commissioners and  
5 the excise board and other officers of ~~said~~ the county, to make  
6 annual levy for the purposes ~~above-mentioned~~ specified by this  
7 section upon all taxable property in such county of not less than  
8 one-fourth (1/4) of one (1) mill per annum.

9        SECTION 192.        AMENDATORY        2 O.S. 1991, Section 104e.1, is  
10 amended to read as follows:

11        Section 104e.1 It is hereby expressly provided that the  
12 provisions of this ~~act~~ article shall be cumulative to all existing  
13 laws in the State of Oklahoma and where the provisions of this ~~act~~  
14 article conflict with any other laws of the State of Oklahoma the  
15 provisions of this ~~act~~ article shall prevail.

16        SECTION 193.        AMENDATORY        2 O.S. 1991, Section 104f, is  
17 amended to read as follows:

18        Section 104f. The board of directors of ~~said~~ a fair shall  
19 submit to the county commissioners and the excise board a budget and  
20 an itemized estimate of the needs of ~~said~~ the fair, ~~for the purpose~~  
21 ~~hereinabove stated, and the aforesaid.~~ The levy shall be made for  
22 the purpose of taking care of ~~said~~ the budget.

1 SECTION 194. AMENDATORY 2 O.S. 1991, Section 104g, is  
2 amended to read as follows:

3 Section 104g. The county treasurer, upon requisition therefor  
4 by the board of directors of ~~said~~ a fair, shall pay over to the  
5 treasurer of ~~said~~ the fair board the funds collected by virtue of  
6 ~~said tax, aforesaid, and said~~ the levy. The funds shall be paid out  
7 by the treasurer of ~~said~~ the fair board upon vouchers and warrants  
8 issued by ~~said~~ the board under such rules ~~and regulations~~ as ~~said~~  
9 the board may make.

10 SECTION 195. AMENDATORY 2 O.S. 1991, Section 104h, is  
11 amended to read as follows:

12 Section 104h. A. The board of directors shall have power to  
13 acquire:

14 1. Acquire grounds for ~~said~~ the fair by lease or purchase,  
15 erect;

16 2. Erect buildings and repair the same, ~~to sell;~~

17 3. Sell concessions, advertising and privileges at ~~said~~ the  
18 fair, and accept

19 4. Accept gifts and donations.

20 B. All money received from sale of concessions and privileges,  
21 and all gifts and donations shall be paid to and deposited with the  
22 treasurer of ~~said~~ the fair board, to be disbursed as ~~herein~~ provided  
23 in Section 15-75 of this title.

1 SECTION 196. AMENDATORY 2 O.S. 1991, Section 104i, is  
2 amended to read as follows:

3 Section 104i. A. The president of ~~said~~ a fair board shall be  
4 the executive head of ~~said~~ the association and perform all the  
5 duties usual to ~~said~~ the office and enforce and carry out the orders  
6 and directions of the board.

7 B. The vice president shall act in the absence of the  
8 president.

9 C. The secretary shall be the clerk of ~~said~~ the board and keep  
10 all the records and property of the association and shall keep an  
11 account of the money and property of the association and draw all  
12 warrants and orders on the treasurer.

13 D. The treasurer shall keep all monies and securities of the  
14 association and pay out the same upon the order and warrant of the  
15 board, attested by the president and secretary of the board.

16 SECTION 197. AMENDATORY 2 O.S. 1991, Section 104j, is  
17 amended to read as follows:

18 Section 104j. A. The directors elected at the first election  
19 held on the first Saturday in June, 1937, shall hold office; three  
20 for one (1) year, three for two (2) years, and three for three (3)  
21 years, so that annually thereafter there shall be elected three  
22 directors to serve for a term of three (3) years, and until their  
23 successors are elected and qualified.

1        B. At the first meeting of the directors on the second Saturday  
2 of June, 1937, the directors shall determine by lot or agreement who  
3 shall serve for the ~~one (1) year~~ one-year, the ~~two (2) year~~ two-year  
4 and the ~~three (3) year term~~ three-year terms.

5        SECTION 198.        AMENDATORY        2 O.S. 1991, Section 104k, is  
6 amended to read as follows:

7        Section 104k. In case of failure of the county commissioners to  
8 approve and submit estimates to the excise board after having  
9 complied with the provisions of Section ~~±~~ 15-72 of this ~~act~~ title,  
10 the excise board of each of ~~said~~ the member counties shall, upon  
11 application of the fair board, make the levy ~~herein~~ provided ~~for~~ by  
12 Section 15-70 of this title, after publication of the estimates  
13 therefor as otherwise provided by law.

14        SECTION 199.        AMENDATORY        2 O.S. 1991, Section 104m, is  
15 amended to read as follows:

16        Section 104m. It is hereby expressly provided that the  
17 provisions of this ~~act~~ article shall not repeal or modify existing  
18 laws relative to free fairs.

19        SECTION 200.        AMENDATORY        Section 2, Chapter 120, O.S.L.  
20 1992 (2 O.S. Supp. 2000, Section 104n), is amended to read as  
21 follows:

22        Section 104n. In each county in this state in which there has  
23 been established a county free fair association pursuant to the

1 provisions of Sections ~~91~~ 15-51 through ~~103~~ 15-64 of ~~Title 2 of the~~  
2 ~~Oklahoma Statutes~~ this title, the board of directors of such fair  
3 association may, by resolution, convert and establish such  
4 association into a fair association of the same name which is  
5 subject to the provisions of Sections ~~104a~~ 15-66 through ~~104m~~ 15-78  
6 of ~~Title 2 of the Oklahoma Statutes~~ this title.

7 SECTION 201. AMENDATORY 2 O.S. 1991, Section 105, is  
8 amended to read as follows:

9 Section 105. A. The board of county commissioners of ~~such a~~ a  
10 county, when requested so to do, by a proper resolution passed and  
11 presented by the executive board of the free fair association of  
12 ~~said~~ the county, shall submit, to a vote of the county, the question  
13 of determining a permanent free fair site. ~~Said~~

14 B. The board of county commissioners shall at the next regular  
15 meeting of such board determine whether such election shall be  
16 called ~~and if said.~~ If the board shall decide decides to call ~~said~~  
17 an election, ~~same~~ the election shall be called within sixty (60)  
18 days after ~~such~~ the decision; or the board may, ~~in their discretion,~~  
19 submit such question at the next primary or general election  
20 thereafter, ~~and said.~~ The permanent free fair site shall be  
21 determined by a majority of all legal votes cast in ~~said~~ the  
22 election.

1 SECTION 202. AMENDATORY 2 O.S. 1991, Section 106, is  
2 amended to read as follows:

3 Section 106. ~~Said~~ A. The election, as provided in Section 2  
4 15-80 of this ~~act~~ title, shall be called and held ~~in the following~~  
5 ~~manner:~~ pursuant to the provisions of this section.

6 B. The board of county commissioners shall cause to be  
7 published in a county newspaper of general circulation in ~~said the~~  
8 county, for four consecutive issues, a proclamation calling ~~said an~~  
9 election, ~~which.~~ The proclamation shall include a detailed  
10 statement of ~~said the~~ proposition. ~~Said~~

11 C. The proclamation shall state the exact method by which the  
12 electors shall vote their preference for the location of ~~said the~~  
13 free fair site.

14 SECTION 203. AMENDATORY 2 O.S. 1991, Section 107, is  
15 amended to read as follows:

16 Section 107. When any county ~~shall have~~ has determined a free  
17 fair site ~~under~~ pursuant to the provisions of ~~the act~~ Section 15-81  
18 of this title, the question shall not again be submitted to a vote  
19 of the county within five (5) years from said date, and then only  
20 upon petition signed by twenty-five percent (25%) of the total  
21 number of votes cast at the last general election for the county  
22 office receiving the highest number of votes, ~~which.~~ The petition  
23 shall be in lieu of the resolution of the executive board of the

1 free fair association, as provided in Section ~~2~~ 15-80 of this ~~act,~~  
2 ~~and said title.~~ The election shall be called, advertised and held  
3 in all other respects, as provided in ~~this act~~ Sections 15-80 and  
4 15-81 of this title.

5 SECTION 204. AMENDATORY 2 O.S. 1991, Section 108, is  
6 amended to read as follows:

7 Section 108. ~~It is further provided that at~~ A. At any election  
8 held under the provisions of ~~this act~~ Section 15-80 of this title,  
9 there may be also submitted to a vote of the legal voters of the  
10 county, under the same conditions as ~~above~~ provided in Section 15-80  
11 of this title, the question of authorizing and directing the excise  
12 board of such county to make an annual levy of not to exceed one (1)  
13 mill, for not to exceed five (5) succeeding years, to provide a  
14 "free fair improvement fund", ~~which.~~ The fund shall be used for the  
15 purpose of securing suitable grounds, making improvements thereon  
16 and maintaining the same. ~~Said~~ The fund, ~~when authorized as herein~~  
17 ~~provided,~~ shall be for a special purpose, ~~and.~~

18 B. The levy shall be in addition to the maximum levy for  
19 current expenses now provided by law.

20 SECTION 205. AMENDATORY 2 O.S. 1991, Section 109, is  
21 amended to read as follows:

22 Section 109. All counties in the State of Oklahoma are hereby  
23 authorized to issue bonds for the purpose of purchasing lands,

1 improving ~~the same~~ such lands, and constructing buildings thereon  
2 for free fair purposes.

3 SECTION 206. AMENDATORY 2 O.S. 1991, Section 110, is  
4 amended to read as follows:

5 Section 110. A. The board of county commissioners in each  
6 county of ~~the State of Oklahoma~~ this state is hereby authorized and  
7 empowered to call an election for the purpose of issuing bonds to  
8 purchase lands, improve the same, and to construct buildings thereon  
9 for free fair purposes, ~~the same to.~~ The lands and improvements  
10 thereon shall be owned and controlled by such counties.

11 ~~Said~~ B. The commissioners shall call ~~said~~ the election by  
12 issuing a proclamation therefor and giving notice thereof in four  
13 consecutive issues of a weekly newspaper published in and of general  
14 circulation in ~~such~~ the county proposing to issue ~~said~~ the bonds.  
15 ~~Provided, that no~~

16 C. No election shall be held until the expiration of thirty  
17 (30) days following the date of the first publication of ~~said~~ the  
18 proclamation.

19 SECTION 207. AMENDATORY 2 O.S. 1991, Section 111, is  
20 amended to read as follows:

21 Section 111. The proclamation calling ~~said~~ an election shall  
22 name:

23 1. Name the amount of bonds to be issued, ~~the;~~

1        2. The time said bonds shall run, ~~the~~ i;

2        3. The maximum rate of interest said bonds shall bear, i; and ~~the~~

3        4. The time for holding the election.

4        SECTION 208.        AMENDATORY        2 O.S. 1991, Section 112, is  
5 amended to read as follows:

6        Section 112. ~~Said~~ The election shall be conducted by the duly  
7 qualified election officials of ~~such~~ the county ~~and the~~ . The  
8 returns ~~thereof~~ of the election shall be canvassed by the county  
9 election board.

10       SECTION 209.        AMENDATORY        2 O.S. 1991, Section 113, is  
11 amended to read as follows:

12       Section 113. A. If ~~at said election~~ the three-fifths of the  
13 voters voting ~~thereon shall~~ at the election vote in favor of the  
14 issuance of the bonds, the board of county commissioners shall  
15 proceed at once to issue the ~~same~~ bonds and ~~shall~~ sell the ~~same~~  
16 bonds in the manner now provided by law for the sale of municipal  
17 and county bonds.

18       B. The bonds shall not be sold for less than par and accrued  
19 interest.

20       C. The proceeds of the bonds shall be deposited in the county  
21 treasury to be paid out by the treasurer upon warrants authorized to  
22 be issued by the board of county commissioners.

1 SECTION 210. AMENDATORY 2 O.S. 1991, Section 114, is  
2 amended to read as follows:

3 Section 114. A. The bonds issued shall bear interest at a rate  
4 not to exceed the maximum rate provided by Section 498.1 of Title 62  
5 of the Oklahoma Statutes, per annum, payable semiannually, and shall  
6 be issued in denominations of One Hundred Dollars (\$100.00), or any  
7 multiple thereof not to exceed One Thousand Dollars (\$1,000.00).

8 B. The entire amount of the bond issue shall be payable within  
9 twenty-five (25) years. The bonds shall be signed by the chairman  
10 of the board of county commissioners and attested by the county  
11 clerk. Facsimile signatures may be used as provided in the  
12 Registered Public Obligations Act of Oklahoma. The bonds shall be  
13 registered in the office of the county clerk and in the office of  
14 the county treasurer or by their authorized agent.

15 C. All bonds shall be sold to the bidder who will pay therefor  
16 par and accrued interest, and who shall stipulate in his or her bid  
17 the lowest rate of interest which ~~said~~ the bonds shall bear.

18 D. Upon the acceptance of ~~such~~ the bid, the bonds shall be  
19 issued in accordance therewith and shall be delivered to ~~said~~ the  
20 purchaser upon payment of the purchase price thereof. ~~Provided,~~  
21 ~~that such~~ The bidder shall submit with his or her bid a sum in cash,  
22 or its equivalent, equal to two percent (2%) of his or her bid, ~~and~~  
23 ~~upon~~ Upon acceptance of any bid ~~such,~~ the deposit shall become the

1 property of the county selling ~~said~~ the bonds, and shall be credited  
2 to the purchase price thereof upon the understanding that if the  
3 purchaser ~~shall fail~~ fails to pay the balance of the purchase price  
4 within five (5) days after the tender of the bonds ~~to pay the~~  
5 ~~balance of the purchase price said,~~ the sale shall be thereby  
6 annulled, and ~~said~~ the deposit shall ~~in such event~~ be retained by  
7 the county commissioners ~~to said county~~ and credited to the account  
8 for which such bonds are being issued. ~~Provided, that no~~

9 E. No tender of the bonds shall be valid until after the  
10 expiration of the period of contestability as now provided by law.  
11 All other deposits shall be returned.

12 F. The county commissioners selling such bonds shall have the  
13 right to reject all bids and readvertise the bonds for sale.

14 SECTION 211. AMENDATORY 2 O.S. 1991, Section 115, is  
15 amended to read as follows:

16 Section 115. It shall be the duty of the officers charged by  
17 law with levying taxes for county purposes to levy:

18 1. Levy annually an amount sufficient to pay the interest due  
19 each year on the bonds issued, ; and ~~in addition thereto,~~ levy

20 2. Levy an amount sufficient to pay the principal as the same  
21 falls due.

22 SECTION 212. AMENDATORY 2 O.S. 1991, Section 116, is  
23 amended to read as follows:

1 Section 116. Out of the proceeds of the sale of ~~said~~ the bonds,  
2 the board of county commissioners shall purchase lands and construct  
3 buildings thereon for the county free fair. In purchasing ~~said~~ the  
4 lands and constructing ~~said~~ the buildings thereon, the county  
5 commissioners shall also have the right to improve and beautify ~~said~~  
6 the lands.

7 SECTION 213. AMENDATORY 2 O.S. 1991, Section 117, is  
8 amended to read as follows:

9 Section 117. A. The board of county commissioners of any  
10 county which ~~shall have~~ has acquired free fair lands and buildings  
11 ~~under this act~~ pursuant to Section 15-91 of this title or pursuant  
12 to any other act of the Legislature is authorized to levy and  
13 include in the estimate of the county, submitted to the county  
14 excise board, a county ad valorem tax of not to exceed one (1) mill  
15 on the dollar valuation for the purpose of making additional free  
16 fair improvements, such as purchasing additional lands, constructing  
17 additional buildings, beautifying and improving ~~said~~ the lands and  
18 repairing the free fair buildings.

19 B. Said levy shall not be for a current expense but shall be  
20 for a special purpose and for a special fund to be known as the free  
21 fair improvement fund. ~~Said~~ The levy shall be in addition to the  
22 maximum statutory levy authorized to be made for current expense  
23 purposes. ~~Said~~ The levy shall also be in addition to the county

1 free fair levy authorized to be made for the support and maintenance  
2 of the county free fair.

3 SECTION 214. AMENDATORY 2 O.S. 1991, Section 118, is  
4 amended to read as follows:

5 Section 118. A. Buildings for the purposes of any county free  
6 fair, which fair exists under any law of this state, may be  
7 constructed either upon land owned by the county or upon land which  
8 has been leased to the county for a period of not less than fifty  
9 (50) years from the time the construction of any such building ~~is~~  
10 ~~begun; and any~~ has started. Any such building may be constructed on  
11 ~~any such~~ leased land owned or leased by the United States or any  
12 agency thereof, if not contrary to any conditions imposed by the  
13 United States or ~~said~~ the agency relating to ~~said~~ the land,  
14 notwithstanding the fact that the United States or ~~said~~ the agency  
15 retains the right to take possession of such land in the event of a  
16 national emergency.

17 B. The provisions of this ~~act~~ section shall be applicable  
18 regardless of the source of the funds from which any such building  
19 is constructed.

20 SECTION 215. AMENDATORY 2 O.S. 1991, Section 119, is  
21 amended to read as follows:

22 Section 119. A. Monies received as a result of renting or  
23 leasing any building or structure or any portion thereof, located on

1 any county fairground which the county received as a gift from an  
2 individual citizen who was a resident of the county may be used by  
3 the county fair board for maintenance and repair of such originally  
4 donated building. ~~Such~~

5 B. The receipts shall not be subject to fiscal year  
6 cancellations but may be retained in a proper account from year to  
7 year up to a maximum of a Fifteen Thousand Dollar (\$15,000.00)  
8 balance.

9 C. Any amount of a balance over Fifteen Thousand Dollars  
10 (\$15,000.00) at the end of each fiscal year which has been derived  
11 from such rental or lease contract shall be transferred to the  
12 county general fund.

13 SECTION 216. AMENDATORY 2 O.S. 1991, Section 120, is  
14 amended to read as follows:

15 Section 120. A. Prior to the expenditure or the contracting  
16 for the expenditure~~r~~ of a sum in excess of Five Hundred Dollars  
17 (\$500.00), l the county fair board shall present a notice of intent to  
18 the board of county commissioners setting forth ~~the~~ :

19 1. The expected sum to be expended~~, the~~ ;

20 2. The reason for expending the ~~said~~ sum of money~~; and ~~the~~~~

21 3. The anticipated amount of said expenditure~~, and~~ . The county  
22 fair board shall secure from ~~said~~ the board of county commissioners  
23 consent for such expenditure. ~~Provided further, that nothing herein~~

1        B. Nothing in this section shall be construed to authorize the  
2 fair board to purchase materials, services or equipment except in  
3 compliance with the requirements of the law otherwise governing such  
4 purchases.

5        SECTION 217.        AMENDATORY        2 O.S. 1991, Section 121, is  
6 amended to read as follows:

7        Section 121. A. The board of directors of any county fair  
8 association is ~~hereby~~ authorized to enter into agreements with other  
9 persons, firms or corporations, the terms of which provide for the  
10 construction of buildings or other structures upon the property used  
11 by ~~such~~ the associations for fairs, exhibitions and other events.  
12 The funds to be made available for the contracts ~~herein~~ authorized  
13 by this section shall be derived only from the operation of the  
14 fairgrounds, gifts or donations received for such purpose.

15        B. The use of appropriated public funds or tax receipts to pay  
16 for such structures is expressly prohibited and no liability shall  
17 be incurred by the board of county commissioners or public body in  
18 the event of default on such contracts.

19        SECTION 218.        AMENDATORY        2 O.S. 1991, Section 131.1, is  
20 amended to read as follows:

21        Section 131.1 In each county in this state in which there has  
22 ~~heretofore~~ been established a county free fair association under the  
23 1937 Free Fair Act, as amended in 1939, in which county bonds for

1 free fair purposes have been voted and issued since the effective  
2 date of ~~said~~ the 1939 amendment, as provided in ~~2 O.S. 1951~~ Sections  
3 ~~109 to 117, inclusive~~ 15-84 through 15-92 of this title, the board  
4 of directors of ~~said~~ the fair association may, by resolution, if  
5 approved by the board of county commissioners, establish and convert  
6 ~~said~~ the association into a similar fair association of the same  
7 name with the duties, powers and liabilities ~~hereinafter set out~~  
8 specified by Sections 15-112 through 15-127 of this title.

9 SECTION 219. AMENDATORY 2 O.S. 1991, Section 131.2, is  
10 amended to read as follows:

11 Section 131.2 The board of directors of the fair association  
12 shall consist of one member from each of the ~~commissioners~~  
13 commissioners' districts in ~~said~~ the county, ~~and if said.~~ If the  
14 county contains a city of over twenty thousand 20,000 population,  
15 according to the last Federal Decennial Census, ~~said~~ the directors  
16 shall be elected from the rural parts of ~~said~~ the commissioners'  
17 districts only, and in addition thereto, two members of ~~said~~ the  
18 board shall be elected from ~~said~~ the city.

19 SECTION 220. AMENDATORY Section 2, Chapter 114, O.S.L.  
20 1993, as amended by Section 1, Chapter 154, O.S.L. 1994 (2 O.S.  
21 Supp. 2000, Section 131.3A), is amended to read as follows:

22 Section 131.3A A. Within thirty (30) days of the establishment  
23 of a fair association, the board of county commissioners shall, by

1 resolution, call for an election of the fair association board of  
2 directors. Notice of ~~said~~ the elections shall be given in ~~some~~ a  
3 newspaper published in ~~said~~ the county at least ten (10) days before  
4 ~~said~~ election. Notice of ~~said~~ the filing period for ~~said~~ the  
5 elections shall be given in ~~some~~ a newspaper published in ~~said~~ the  
6 county at least ten (10) days before the filing period for ~~said~~ the  
7 election. The board of county commissioners, by resolution, shall  
8 set forth the following conditions concerning the election:

9 1. The filing period shall consist of five (5) consecutive  
10 business days;

11 2. Only registered voters of the county are eligible to file as  
12 a candidate;

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

15 4. Prospective candidates must file with the county clerk; ~~and~~

16 5. The board of county commissioners shall prescribe a form to  
17 be used by prospective candidates filing for the position of  
18 director of the fair board association; and

19 ~~B-~~ 6. The date of the election for the fair association board  
20 of directors shall be no later than three (3) weeks from the date of  
21 the final day of the filing period.

1        B. If a district or city does not have a candidate or  
2 candidates for the position, the representative or representatives  
3 shall be appointed as ~~provided herein~~ follows:

4            1. The board of county commissioners shall appoint the  
5 representatives from the rural areas of the county; ~~and~~

6            2. The mayor of the city shall appoint the representatives from  
7 the city-; and

8            3. In the event there is not a candidate for election to the  
9 fair association board of directors the appointment will be  
10 announced no later than two (2) weeks from the closing of the filing  
11 period.

12        C. The site of the elections shall be determined by the board  
13 of county commissioners. Elections shall be held at a convenient  
14 place in each district or city, on the same day and at the same  
15 time. The county commissioner representing the district or an  
16 official designee of the commissioner shall preside at the election.

17        D. The election shall be by secret ballot.

18        E. Only registered voters of the county shall be allowed to  
19 vote.

20        F. The results of the election shall be tabulated at the site  
21 of the election and announced prior to the adjournment of the  
22 election meeting.

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

5 H. Initial terms of the directors:

6 1. The director from commissioner's district one shall be  
7 elected for a term of one (1) year;

8 2. The director from commissioner's district two shall be  
9 elected for a term of two (2) years; and

10 3. The director from commissioner's district three shall be  
11 elected for a term of three (3) years.

12 The term of each director elected subsequent to the initial term  
13 shall be for a period of three (3) years.

14 I. If there is a city in the county with a population of more  
15 than twenty thousand (20,000) according to the latest federal  
16 census, the board of county commissioners shall in the following  
17 manner ~~as provided herein~~ cause to be elected two directors to  
18 represent the city on the fair association board of directors ~~as~~  
19 ~~follows:~~

20 1. The county clerk or an official designee of the clerk shall  
21 preside at election in the city;

22 2. ~~Two directors shall be elected to represent the city:~~



1        2. Provide for the election or appointment of the director in  
2 accordance with the provisions as set forth in Section ~~2~~ 15-113 of  
3 this ~~act~~ title.

4        B. The director shall be elected or appointed to ~~said~~ the board  
5 of directors for a term of three (3) years.

6        C. The commissioner or county clerk presiding at such meeting  
7 shall certify and file in the office of the county clerk the name or  
8 names of the directors elected, ~~and the~~. The county clerk shall  
9 keep a record thereof and shall issue to each person elected a  
10 certificate of election.

11        D. The board of directors shall, within ten (10) days after  
12 appointment and taking oath of office, organize by electing a  
13 president, vice president, secretary and treasurer, who shall hold  
14 office at the pleasure of the board; ~~provided, that the~~. The  
15 secretary shall not be a member of the board of directors.

16        SECTION 222.        AMENDATORY        2 O.S. 1991, Section 131.5, is  
17 amended to read as follows:

18        Section 131.5 A. The board of directors shall have the power,  
19 authority and control over ~~such~~ any agricultural and industrial  
20 exposition and fair, and the management, operation and conducting of  
21 the ~~same~~, exposition and ~~such~~ fair.

22        B. The board shall at the end of each calendar year, and in any  
23 event not later than thirty (30) days thereafter, make and file

1 under oath, with the board of county commissioners, a complete  
2 detailed report of all their transactions of business and finance  
3 for the year, ~~and when.~~ When approved by the board of county  
4 commissioners, ~~same~~ the report shall be filed with the county clerk.

5 SECTION 223. AMENDATORY 2 O.S. 1991, Section 131.6, is  
6 amended to read as follows:

7 Section 131.6 A. The president of the board of directors shall  
8 be the presiding officer of ~~such~~ the board and shall ~~perform:~~

9 1. Perform the usual duties incumbent upon such officer, ~~;~~ and  
10 ~~shall see that~~

11 2. Ensure compliance with all orders of the board ~~are complied~~  
12 ~~with.~~

13 B. The secretary of ~~such~~ the board shall be the recording  
14 officer and shall ~~keep:~~

15 1. Keep and have supervision over all records, ~~and shall file;~~

16 2. File and safely keep all documents of ~~said~~ the agricultural  
17 and industrial exposition and fair, ~~and shall at;~~

18 3. At all times be subject to the order and direction of the  
19 board of directors; ~~and shall perform~~

20 4. Perform all duties imposed upon him or her by the board of  
21 directors compatible with the duties of such office.

22 C. The county treasurer shall be the custodian of all funds, ~~;~~  
23 ~~and all.~~ All receipts and revenue set apart for the benefit of and

1 belonging to such agricultural and industrial exposition and fair  
2 shall be currently deposited with ~~him~~; and all the county treasurer.  
3 All disbursements of revenue shall be made through ~~him~~ the county  
4 treasurer in the manner and form as ~~hereinafter~~ provided in Section  
5 15-121 of this title.

6 SECTION 224. AMENDATORY 2 O.S. 1991, Section 131.7, is  
7 amended to read as follows:

8 Section 131.7 No member of ~~such~~ the board of directors shall be  
9 paid nor receive any salary, compensation, nor emolument for his or  
10 her services in connection with such agricultural and industrial  
11 exposition and fair. The secretary shall be paid a salary to be  
12 fixed by the board of directors to be paid in equal monthly  
13 installments. ~~Said~~ The secretary shall give a surety bond in an  
14 amount to be fixed by ~~said~~ the board of directors and to be approved  
15 by the ~~said~~ the board payable to ~~such~~ the county and conditioned for  
16 the faithful performance of ~~his~~ duties. The premium for ~~said~~ the  
17 bond shall be paid by the board of directors out of the free fair  
18 funds.

19 SECTION 225. AMENDATORY 2 O.S. 1991, Section 131.8, is  
20 amended to read as follows:

21 Section 131.8 A. The board of directors shall ~~provide:~~

22 1. Provide for holding annually at the fairgrounds of ~~such~~ the  
23 county an agricultural and industrial exposition and fair for the

1 purpose of exhibiting and displaying resources connected with or  
2 part of agricultural, horticultural, mineral, mechanical, and  
3 industrial development and the raising of livestock not only from  
4 Oklahoma but from any other state or place, ~~and shall have;~~

5 2. Have the power and authority in order to encourage the  
6 exhibiting and displaying of such resources and livestock to offer  
7 and pay suitable premium and awards and to grade and classify all  
8 exhibits entered in competition at such exposition and fair, ~~and~~

9 3. Have the power and authority to employ all necessary  
10 assistants and provide for the payment of a reasonable salary or  
11 compensation to such employees. ~~Provided, that in the event~~

12 B. If the board of directors ~~should decide~~ decides that it  
13 ~~would be~~ is impractical to hold an exhibition or fair in any year,  
14 ~~they~~ the board may postpone the ~~same~~ exhibition or fair to such time  
15 as, ~~in their opinion,~~ it would be advisable to hold ~~same~~ the  
16 exhibition or fair, whether in the same year or a succeeding year.

17 SECTION 226. AMENDATORY 2 O.S. 1991, Section 131.9, is  
18 amended to read as follows:

19 Section 131.9 In addition to the powers ~~herein conferred~~  
20 specified by law, ~~such~~ the board of directors shall have the power  
21 and authority to provide for during ~~said~~ the agricultural and  
22 industrial exposition and fair or at any other time, ~~exhibitions.~~

1        1. Exhibitions and contests of speed, athletic skill and other  
2 events of public and civic interest and benefit, and award suitable  
3 prizes and purses therefor; ~~and collect~~

4        2. The collection of reasonable admission ~~thereto~~ into the  
5 exposition or fair and rental fees therefrom by ~~such~~ activities  
6 specified in this section.

7        SECTION 227.        AMENDATORY        2 O.S. 1991, Section 131.10, is  
8 amended to read as follows:

9        Section 131.10 A. The board of directors is hereby given the  
10 power and authority to provide for and collect the following fees  
11 and charges:

12        1. A reasonable general admission fee per person, except that  
13 no admission charges or fees shall be exacted from persons  
14 exhibiting items such as natural resources, or livestock, ~~etc.~~; ~~a~~

15        2. A reasonable fee for merchants display space and  
16 concessions; ~~a~~

17        3. A reasonable fee as rental for barns, pens and other  
18 buildings ~~and a~~;

19        4. A reasonable entrance fee and stall rent sufficient to  
20 maintain stalls in a clean and sanitary condition and for light,  
21 fuel and water service, ~~and a~~;

1        5. A reasonable charge for parking cars or other vehicles, ~~and~~  
2 ~~provided further that in addition to the above charges said board of~~  
3 ~~directors shall have the right to charge a;~~

4        6. A reasonable entrance fee to persons desiring to enter into  
5 competition in exhibitions of speed and athletic skill; and a

6        7. A reasonable admission fee to persons desiring to enter the  
7 enclosure in which such exhibitions are held to witness the ~~same;~~  
8 ~~provided, however, during said~~ exhibitions.

9        B. During the agricultural and industrial exposition and fair,  
10 a day may be set apart for school children in cities and towns and a  
11 day for school children in rural communities ~~and said school~~  
12 ~~children on such days shall~~ to allow such children to be admitted  
13 free into ~~such~~ the agricultural and industrial exposition and fair.

14        C. All fees and charges ~~herein~~ authorized by this section to be  
15 collected shall be used exclusively for premiums and the operating  
16 and conducting of ~~such~~ the agricultural and industrial exposition  
17 and fair and maintenance and repair of buildings and upkeep of the  
18 grounds, and construction of new buildings as needed.

19        SECTION 228.        AMENDATORY        2 O.S. 1991, Section 131.11, is  
20 amended to read as follows:

21        Section 131.11 A. The county treasurer shall set up two  
22 accounts of funds ~~provided for herein~~ in the name of the exposition  
23 and free fair ~~on his books; one;~~

1        1. One account ~~to~~ shall be designated as "tax account" ~~and the~~.  
2        The ad valorem taxes herein authorized to be appropriated pursuant  
3        to this section when collected shall be credited to ~~such~~ the  
4        account~~;~~ and the

5        2. The other account shall be designated "miscellaneous revenue  
6        account" ~~and the miscellaneous~~. Miscellaneous revenue shall include  
7        ticket sales and exposition space sales ~~herein~~ authorized to be  
8        collected pursuant to this section and ~~all~~ any other revenue not  
9        derived from taxes~~,~~ and shall be credited to ~~said~~ the "miscellaneous  
10       revenue account", when paid to such treasurer.

11       B. 1. All disbursement of funds from the tax account of ~~such~~  
12       the agricultural and industrial exposition and fair, except as  
13       ~~herein~~ otherwise provided for in this section and as otherwise  
14       provided by law governing the general funds of said county, shall be  
15       made upon sworn, itemized claims allowed by the board of directors  
16       and the board of county commissioners in the same manner as other  
17       county claims~~;~~ and

18       2. Disbursement of funds from the "miscellaneous revenue  
19       account" shall be made in cash voucher claims allowed by the  
20       secretary of the board of directors.

21       C. Such claims shall be itemized and sworn to by claimants, and  
22       when allowed by the secretary of the board of directors, shall be  
23       filed with the county clerk of ~~said~~ the county whose duty it shall

1 be to forthwith issue a cash voucher to the county treasurer  
2 directing him or her to pay the ~~same~~ claim out of the cash on hand  
3 and to the credit of such agricultural and industrial exposition and  
4 fair, ~~provided, that no.~~ No cash voucher claim shall be allowed nor  
5 filed and no cash voucher issued in payment thereof in excess of the  
6 cash actually on hand and in the possession of the county treasurer  
7 at the time of presentation ~~to him~~ for payment, ~~and provided, that~~  
8 ~~no.~~ No contract, debt nor obligation authorized or created by ~~said~~  
9 the board of directors in excess of the income realized shall be  
10 valid.

11 D. Premiums and prizes may be paid in cash immediately from the  
12 cash receipts of ~~said~~ the fair without first being deposited with  
13 ~~said~~ the county treasurer, in which event such payments must be  
14 itemized separately and distinctly in ~~said~~ the annual account as a  
15 premium or prize paid with cash from current receipts.

16 SECTION 229. AMENDATORY 2 O.S. 1991, Section 131.12, is  
17 amended to read as follows:

18 Section 131.12 A. All expenses of operating the free fair,  
19 including awards and prizes, shall be paid first from the tax  
20 account and second from the "miscellaneous revenue account." Any  
21 funds remaining in the "miscellaneous revenue account" shall be  
22 appropriated for the next fiscal year to be used for maintenance,

1 construction or any other proper purpose to be determined by the  
2 fair board.

3 B. Any and all funds on hand to the credit of any existing free  
4 fair association in any such county shall be immediately transferred  
5 to the credit of the association ~~created hereunder~~ upon the election  
6 of the board of directors ~~as provided hereunder~~.

7 SECTION 230. AMENDATORY 2 O.S. 1991, Section 131.13, is  
8 amended to read as follows:

9 Section 131.13 A. It shall be the mandatory duty of the board  
10 of county commissioners of any ~~said~~ counties to include in the  
11 estimates of needs for any such counties for each fiscal year,  
12 whether an exposition and fair is held in such year or not, ~~a:~~

13 1. Unless a lesser sum is requested by the board of directors;  
14 and

15 2. A sum not less than Eight Thousand Dollars (\$8,000.00) in  
16 counties having a net assessed valuation, as provided in Section 1,  
17 Chapter 6, Title 19, ~~page 39,~~ Oklahoma Session Laws 1943, at the  
18 time the appropriation is made of not less than Thirty-five Million  
19 Dollars (\$35,000,000.00) and not more than Forty Million Dollars  
20 (\$40,000,000.00); or a sum of not less than Ten Thousand Dollars  
21 (\$10,000.00) in counties having such a net assessed valuation at the  
22 time the appropriation is made of more than Forty Million Dollars  
23 (\$40,000,000.00) but not more than Forty-five Million Dollars

1 (\$45,000,000.00); or a sum not less than Twelve Thousand Dollars  
2 (\$12,000.00) in counties having such a net assessed valuation at the  
3 time the appropriation is made of more than Forty-five Million  
4 Dollars (\$45,000,000.00), ~~unless a lesser sum is requested by said~~  
5 ~~board of directors, to.~~

6 B. The money shall be used by ~~said~~ the board of directors ~~in~~  
7 ~~the~~ for:

8 1. The payment of premiums, salaries, and other expenses  
9 incurred in the management, operation and conducting of ~~such a~~  
10 exposition and fair, including the salary of the secretary-treasurer  
11 and office employees, and secretary's bond premium, ~~and for the;~~

12 2. The maintenance of buildings and the upkeep of grounds, the  
13 construction of new buildings, or either of such purposes, ~~;~~ and any

14 3. Any other expense incidental to the general purposes of this  
15 ~~act~~ subsection.

16 C. The amount appropriated shall be a part of the current  
17 expenses of the county, and it is hereby made the mandatory duty of  
18 the excise board of ~~said~~ the county establishing ~~such an~~ an exposition  
19 and fair to approve the amount so estimated for ~~said~~ the purposes by  
20 ~~said~~ the board of county commissioners.

21 D. The miscellaneous income received by ~~said~~ the board of  
22 directors during any year shall not be taken into consideration as a  
23 part of ~~such~~ the estimated income used in financing the estimated

1 needs of the county, ~~and such.~~ The estimated needs shall be  
2 exclusive of the estimated miscellaneous income.

3 SECTION 231. AMENDATORY 2 O.S. 1991, Section 131.14, is  
4 amended to read as follows:

5 Section 131.14 A. All property heretofore acquired by any ~~such~~  
6 county by virtue of the provisions of various legislative acts for  
7 expositions and free fair purposes is hereby declared to be the  
8 property of such county coming within the provisions of this ~~act~~  
9 article, and is hereby placed under the custody and control of the  
10 board of county commissioners in such county the same as other  
11 county property, ~~and to.~~ The property shall be used for the  
12 purposes of carrying out the provisions of ~~this act, provided,~~  
13 ~~however, that the~~ Sections 15-111 through 15-127 of this title.

14 B. The board of directors of ~~such an~~ an exposition and fair shall  
15 have the right to ~~lease:~~

16 1. Lease or rent any of the property belonging to it,  
17 including, but not limited to, all grounds, buildings and equipment  
18 of the exposition and fair, for any purpose, and upon such terms as  
19 they deem proper, during such time as the same is not being used for  
20 exposition and fair purposes, ~~;~~ and use

21 2. Use the proceeds of such lease or rental for the general  
22 purposes of Sections 15-111 through 15-127 of this act title.

1 SECTION 232. AMENDATORY 2 O.S. 1991, Section 131.15, is  
2 amended to read as follows:

3 Section 131.15 A. The board of directors may, and if in its  
4 judgment it will be to the best interest of the people of said  
5 county, lease the grounds, buildings and equipment, or any part  
6 thereof, to any person, firm, corporation or association for any  
7 purpose whatsoever on any terms deemed reasonable by said board of  
8 directors, including housing animals or equipment or holding  
9 exhibitions or contests, or for the exhibition or contest of any  
10 rodeo, baseball, football or any other game, display or contest,  
11 either occasionally or annually, as long as such lease does not  
12 interfere with or is in connection with the holding of an annual  
13 free fair. ~~Said~~

14 B. The board of directors may also, with the approval of the  
15 board of county commissioners, enter into a lease of a portion or  
16 site on the grounds for any term of years they deem reasonable with  
17 any person, firm or corporation for the erection and maintenance of  
18 a building or buildings by ~~said~~ the party for permanent displays or  
19 housing equipment or for the permanent housing or shelter of  
20 livestock, or for any other purpose which may benefit the county  
21 free fair association or any of its activities and as long as said  
22 lease or leases do not interfere with or are in connection with the  
23 holding of an annual free fair.

1        C. The board may ~~also~~ contract with any person, firm or  
2 corporation for the erection of a building by such person, firm or  
3 corporation on a specified site to be used by such party, with the  
4 provision that ~~said~~ the building shall become the property of ~~said~~  
5 the free fair association at the termination of any number of years  
6 to be agreed upon.

7        SECTION 233.        AMENDATORY        2 O.S. 1991, Section 131.16, is  
8 amended to read as follows:

9        Section 131.16 The board of directors may, ~~in its discretion,~~  
10 permit the free use of ~~said~~ the fairgrounds or any of its facilities  
11 for entertainments, exhibitions or displays of interest to the  
12 public where no admission is charged ~~where~~ if the proceeds thereof  
13 are wholly for charitable, religious, patriotic or eleemosynary  
14 purposes.

15        SECTION 234.        AMENDATORY        2 O.S. 1991, Section 131.17, is  
16 amended to read as follows:

17        Section 131.17 ~~Said~~ The board of directors may accept and use  
18 gifts of money or property on behalf of ~~said~~ the fair and use it for  
19 general free fair purposes. ~~They~~ The board of directors may also  
20 give the donor the right to use such property for ~~such~~ a period of  
21 time as ~~they~~ the donor may desire.

22        SECTION 235.        AMENDATORY        2 O.S. 1991, Section 157.1, is  
23 amended to read as follows:

1 Section 157.1 For the purpose of cooperating with the  
2 development of agricultural, mineral and industrial resources and  
3 the educational facilities of the state, there may be established in  
4 all counties of the State of Oklahoma agricultural and industrial  
5 expositions and fairs, in the manner ~~hereinafter~~ provided pursuant  
6 to Sections 15-142 through 15-147 of this title.

7 SECTION 236. AMENDATORY 2 O.S. 1991, Section 157.2, is  
8 amended to read as follows:

9 Section 157.2 In any county in this state coming within the  
10 provisions of Section ~~1 hereof~~ 15-141 of this title, the board of  
11 county commissioners may, ~~at its option, and~~ by a resolution entered  
12 of record in the commissioners' journal of proceedings, disclose its  
13 intention to avail such county of the provisions and terms of  
14 Sections 15-141 through 15-147 of this act title, and within thirty  
15 (30) days ~~thereafter such~~ after entry of the resolution of record,  
16 the board of county commissioners shall meet for the purpose of  
17 placing in force and effect the provisions ~~hereof~~ of Sections 15-141  
18 through 15-147 of this title.

19 SECTION 237. AMENDATORY 2 O.S. 1991, Section 157.3, is  
20 amended to read as follows:

21 Section 157.3 A. The board of county commissioners of any  
22 county qualifying ~~hereunder~~, pursuant to Section 15-142 of this  
23 title, may lease the grounds, buildings, equipment and facilities

1 owned and acquired by ~~said~~ the county for the purpose of conducting  
2 annual agricultural and industrial fairs and expositions to a Public  
3 Trust Authority ~~which has been~~, created pursuant to the laws of the  
4 State of Oklahoma as they relate to public trusts, for the purposes  
5 of managing the grounds, buildings, equipment and facilities as well  
6 as conducting annual agricultural and industrial fairs and  
7 expositions. ~~Such~~

8 B. The Public Trust Authority shall have all rights, powers,  
9 authority, duties and responsibilities which are now or hereafter  
10 provided by general law for public trusts in Oklahoma ~~(60 O.S.1961,~~  
11 pursuant to Sections 176 through 180.3, as amended 180.4 of Title 60  
12 of the Oklahoma Statutes, and the Oklahoma Trust Act, ~~60 O.S.1961,~~  
13 ~~Sections 175.1 through 175.53, as amended)~~ which are not  
14 inconsistent with the provisions of this ~~act~~ article.

15 C. The Trust Authority, with the approval of the county  
16 commission, may issue revenue bonds for not to exceed  
17 twenty-five-year terms in accordance with trust laws of the State of  
18 Oklahoma.

19 D. The trust may sublease any facilities, provided any lease in  
20 excess of two (2) years shall be approved by the board of county  
21 commissioners.

1       E. Any capital expenditure in excess of One Hundred Thousand  
2 Dollars (\$100,000.00) on any project shall not be made without prior  
3 approval of the board of county commissioners.

4       SECTION 238.        AMENDATORY        2 O.S. 1991, Section 157.4, is  
5 amended to read as follows:

6       Section 157.4 A. The Trust Authority shall be composed of from  
7 nine to twenty-one trustees, to be determined by the board of county  
8 commissioners in multiples of three. Each county commissioner shall  
9 appoint the same number of trustees for three-year terms and such  
10 terms shall be staggered, all subject to confirmation by the board  
11 of county commissioners.

12       B. It is the legislative intent that the appointment of  
13 trustees made by the commissioners, insofar as possible, shall  
14 represent the full geographical area of the county and all areas of  
15 participation in the fair and fairground operations. As soon as  
16 practicable after the act becomes in force and effect, the board of  
17 county commissioners of any such county shall appoint the trustees  
18 of the Trust Authority as ~~herein~~ provided in this subsection, and  
19 the terms of such trustees shall be as follows:

20       ~~(a)~~ 1. The first one-third of said trustees appointed shall  
21 serve for an initial term of one (1) year each from the date of  
22 their appointment;

1       ~~(b)~~ 2. The next one-third of said trustees shall serve for an  
2 initial term of two (2) years from the date of their appointment;  
3 and

4       ~~(c)~~ 3. The next one-third of said trustees shall serve for an  
5 initial term of three (3) years from the date of their appointment.

6       C. After expiration of the ~~aforesaid~~ initial terms, the term of  
7 said trustees shall be three (3) years.

8       D. All trustees of ~~such~~ the Trust Authority shall serve as such  
9 without compensation, and the appointed trustees shall hold no other  
10 municipal, county, state or federal elective office.

11       E. A vacancy occurring other than through the expiration of a  
12 term shall be filled for the remainder of the unexpired term by the  
13 commissioner who made the appointment that becomes vacant.

14       SECTION 239.       AMENDATORY       2 O.S. 1991, Section 157.5, is  
15 amended to read as follows:

16       Section 157.5. A. No trustee, officer or employee of such  
17 Public Trust Authority shall be a party either directly or  
18 indirectly, to any contract or agreement with such Public Trust  
19 Authority from which he or she may derive any personal gain or  
20 profit.

21       B. If any contract or agreement ~~shall be~~ is made in violation  
22 of the provisions of this section, the ~~same~~ contract or agreement  
23 shall be null and void and no action shall be maintained thereon

1 against such Public Trust Authority, ~~and~~. Any contract or agreement  
2 made in violation of the provisions of this section shall constitute  
3 cause for the immediate removal of such member, trustee, officer or  
4 employee: ~~Provided that this~~ executing the contract or agreement.

5 C. This section shall not prohibit any trustee or employee from  
6 participating in exhibits at the annual fair and events.

7 SECTION 240. AMENDATORY 2 O.S. 1991, Section 157.6, is  
8 amended to read as follows:

9 Section 157.6 A. The Trust Authority shall employ a director  
10 who shall be paid a reasonable salary to be fixed by the Trust  
11 Authority. The director shall give a surety bond in the sum of not  
12 less than Fifty Thousand Dollars (\$50,000.00) the specific amount to  
13 be determined by the Trust Authority. The bond shall be approved by  
14 and made payable to the Trust Authority. The premium for said bond  
15 shall be paid by the Trust Authority.

16 B. The Trust Authority may employ all employees necessary for  
17 the purposes of Sections 15-141 through 15-147 of this act title and  
18 provide for the payment of reasonable salaries, wages, or  
19 compensation to such employees.

20 C. The Trust Authority may elect to place ~~such~~ the director and  
21 employees under the employees benefits provided by the board of  
22 county commissioners for other county employees. The cost of such  
23 benefits shall be paid by the Trust Authority.

1        D. The district attorney shall be authorized to represent the  
2 Trust Authority. Provided, however, the trustees may elect to  
3 employ their own legal counsel, subject to the approval of the board  
4 of county commissioners, ~~and also in.~~ In the event the district  
5 attorney certifies it is not practical for him or her to represent  
6 the trustees, then the district attorney shall not be required to  
7 represent the trustees.

8        SECTION 241.        AMENDATORY        2 O.S. 1991, Section 157.7, is  
9 amended to read as follows:

10        Section 157.7 A. The account and books of the Trust Authority,  
11 including its receipts, disbursements, contracts, mortgages,  
12 investments and other matters relating to its finances, operations  
13 and affairs shall be examined and audited not less than once each  
14 twelve (12) months by a certified public accountant or licensed  
15 public accountant ~~and the.~~

16        B. The trustees of ~~such~~ the Trust Authority may employ a  
17 certified public accountant or licensed public accountant for ~~such~~  
18 the audit and examination and pay a reasonable fee therefor from  
19 trust funds; ~~provided, however, the said.~~

20        C. The records, books and accounts may be examined from time to  
21 time at the discretion of and by the State Auditor and Inspector as  
22 provided by law. When an audit is made as provided in this ~~section~~  
23 subsection, by the State Auditor and Inspector, all expenses of ~~such~~

1 the audit must be reimbursed by the Trust Authority to the State  
2 Auditor and Inspector.

3 SECTION 242. AMENDATORY 2 O.S. 1991, Section 161, is  
4 amended to read as follows:

5 Section 161. A. All carnival companies or the operators of  
6 public shows that ~~shall, after the effective date of this act,~~ enter  
7 into any contract with any county agricultural society or county  
8 fair shall be required, within thirty (30) days after the execution  
9 of such contract, to ~~execute~~:

10 1. Execute and file with the Secretary of State a good and  
11 sufficient bond, with corporate surety doing business in the State  
12 of Oklahoma, in the sum of Two Thousand Five Hundred Dollars  
13 (\$2,500.00) running to the State of Oklahoma, 7. The bond shall be  
14 conditioned that any such carnival company or the operator of ~~such~~  
15 the show will faithfully perform any contract entered into by ~~it or~~  
16 ~~him~~ the carnival or operator in the State of Oklahoma during a  
17 period of one (1) year from the date of execution of such contract;  
18 and ~~shall, at~~

19 2. At the time of the filing of the bond, file with the  
20 Secretary of State an appointment of some person within the State of  
21 Oklahoma authorized to receive service of process on behalf of the  
22 principal on ~~said~~ the bond. ~~Such~~

1        B. The bond shall be made for a period of one (1) year and no  
2 additional bonds shall be required for that period.

3        C. Upon entering into any contract with county fair or county  
4 agricultural society, calling for a performance in any specific  
5 county in the State of Oklahoma, the ~~said~~ carnival company or the  
6 operator of ~~said~~ the show shall, within thirty (30) days after  
7 signing of each such contract, file with the county clerk of such  
8 county a certificate showing that the bond provided for in this  
9 section has been filed with the Secretary of State.

10        SECTION 243.        AMENDATORY        2 O.S. 1991, Section 162, is  
11 amended to read as follows:

12        Section 162. A. The bond required by Section ~~±~~ 15-161 of this  
13 ~~act~~ title shall be security, not only for the performance of the  
14 initial contract signed by any such carnival company or the operator  
15 of any such show, but it also shall insure performers of all other  
16 contracts made in this state with any agricultural society or county  
17 fair during the period such bond is in force. ~~Said~~

18        B. The bond shall be in form approved by the Attorney General  
19 of Oklahoma.

20        C. Any county agricultural society or county fair may bring  
21 suit upon such bond in the county where such contract was to have  
22 been performed to recover any damages sustained by reason of breach  
23 of contract or failure to carry out the terms thereof.

1 SECTION 244. AMENDATORY 2 O.S. 1991, Section 163, is  
2 amended to read as follows:

3 Section 163. Each officer, owner, or manager of any carnival  
4 company or show, who willfully fails to cause bond and certificate  
5 to be filed as provided by Section 15-161 of this act title, shall  
6 be guilty of a misdemeanor, and, upon conviction thereof, shall be  
7 fined in the sum of not less than Fifty Dollars (\$50.00) nor more  
8 than Two Hundred Dollars (\$200.00).

9 SECTION 245. RECODIFICATION 2 O.S. 1991, Sections 738.1,  
10 738.2 and 738.3, as amended by Sections 1, 2 and 3 of this act,  
11 shall be recodified as Sections 10-91 through 10-93 of Title 2 of  
12 the Oklahoma Statutes, unless there is created a duplication in  
13 numbering.

14 SECTION 246. RECODIFICATION 2 O.S. 1991, Sections 751,  
15 752, 753, 754, 755 and 756, as amended by Sections 4, 5, 6, 7, 8 and  
16 9 of this act, shall be recodified as Sections 7-21 through 7-26 of  
17 Title 2 of the Oklahoma Statutes, unless there is created a  
18 duplication in numbering.

19 SECTION 247. RECODIFICATION 2 O.S. 1991, Sections 788.1,  
20 788.2, 788.3, 788.4, 788.5 and 788.6, as amended by Sections 10, 11,  
21 12, 13, 14 and 15 of this act, shall be recodified as Sections 8-31  
22 through 8-36 of Title 2 of the Oklahoma Statutes, unless there is  
23 created a duplication in numbering. 2 O.S. 1991, Sections 791, 792

1 and 793, as amended by Sections 16, 17 and 18 of this act, shall be  
2 recodified as Sections 8-36.1 through 8-36.3 of Title 2 of the  
3 Oklahoma Statutes, unless there is created a duplication in  
4 numbering.

5 SECTION 248. RECODIFICATION 83 O.S. 1991, Sections 1, 3,  
6 3.1, 4, 5, 6 and 8, as amended by Sections 118, 119, 120, 121, 122,  
7 123 and 124, Chapter 243, O.S.L. 2000 (83 O.S. Supp. 2000, Sections  
8 1, 3, 3.1, 4, 5, 6 and 8), shall be recodified as Sections 14-1  
9 through 14-7 of Title 2 of the Oklahoma Statutes, unless there is  
10 created a duplication in numbering.

11 SECTION 249. RECODIFICATION 2 O.S. 1991, Sections 1021,  
12 as amended by Section 19 of this act, 1022, as last amended by  
13 Section 20 of this act, 1023, 1024, 1025, 1027, 1028 and 1029, as  
14 amended by Sections 21, 22, 23, 24, 25 and 26 of this act, 1030 and  
15 1031, as last amended by Sections 27 and 28 of this act, and 1032,  
16 1033, 1034, 1035, 1036, 1036.1, 1037 and 1038, as amended by  
17 Sections 29, 30, 31, 32, 33, 34, 35 and 36 of this act, shall be  
18 recodified as Sections 18-300 through 18-317 of Title 2 of the  
19 Oklahoma Statutes, unless there is created a duplication in  
20 numbering.

21 SECTION 250. RECODIFICATION 2 O.S. 1991, Sections 1101  
22 and 1102, as amended by Sections 37 and 38 of this act, 1103, as  
23 last amended by Section 39 of this act, and 1104, 1105, 1106, 1107,

1 1108, 1109, 1109.1, 1110, 1112 and 1113, as amended by Sections 40,  
2 41, 42, 43, 44, 45, 46, 47, 48 and 49 of this act, shall be  
3 recodified as Sections 18-50 through 18-62 of Title 2 of the  
4 Oklahoma Statutes, unless there is created a duplication in  
5 numbering.

6 SECTION 251. RECODIFICATION 2 O.S. 1991, Sections 1451,  
7 1452, 1453, 1453.1, 1454, 1455, 1456, 1457 and 1458, as amended by  
8 Sections 50, 51, 52, 53, 54, 55, 56, 57 and 58 of this act, shall be  
9 recodified as Sections 8-80.1 through 8-80.9 of Title 2 of the  
10 Oklahoma Statutes, unless there is created a duplication in  
11 numbering.

12 SECTION 252. RECODIFICATION 2 O.S. 1991, Section 1501,  
13 as amended by Section 59 of this act, 1502, as last amended by  
14 Section 60 of this act, 1503, 1504, 1505, 1506, 1507 and 1508, as  
15 amended by Sections 61, 62, 63, 64, 65 and 66 of this act, 1508.1,  
16 as last amended by Section 67 of this act, 1509, 1510, 1511, 1512  
17 and 1513, as amended by Sections 68, 69, 70, 71 and 72 of this act,  
18 1514, as last amended by Section 73 of this act, and 1515 and 1516,  
19 as amended by Sections 74 and 75 of this act, shall be recodified as  
20 Sections 18-180 through 18-196 of Title 2 of the Oklahoma Statutes,  
21 unless there is created a duplication in numbering.

22 SECTION 253. RECODIFICATION 2 O.S. 1991, Sections 1601  
23 and 1602, as amended by Sections 76 and 77 of this act, shall be

1 recodified as Sections 6-303 and 6-304 of Title 2 of the Oklahoma  
2 Statutes, unless there is created a duplication in numbering. 2  
3 O.S. 1991, Sections 1603 and 1604, as amended by Sections 78 and 79  
4 of this act, shall be recodified as Sections 5-1.1 and 18-10,  
5 respectively, of Title 2 of the Oklahoma Statutes, unless there is  
6 created a duplication in numbering.

7 SECTION 254. RECODIFICATION 2 O.S. 1991, Sections 1701,  
8 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711 and 1713  
9 and Section 2, Chapter 265, O.S.L. 2000 (2 O.S. Supp. 2000, Section  
10 1715), as amended by Sections 80, 81, 82, 83, 84, 85, 86, 87, 88,  
11 89, 90, 91 and 92 of this act, shall be recodified as Sections 8-  
12 85.1 through 8-85.13 of Title 2 of the Oklahoma Statutes, unless  
13 there is created a duplication in numbering.

14 SECTION 255. RECODIFICATION Section 6, Chapter 185,  
15 O.S.L. 1996 (2 O.S. Supp. 2000, Section 1750), as amended by Section  
16 93 of this act, shall be recodified as Section 9-141 of Title 2 of  
17 the Oklahoma Statutes, unless there is created a duplication in  
18 numbering. 2 O.S. 1991, Sections 1751, 1752 and 1753, as last  
19 amended by Sections 94, 95 and 96 of this act, shall be recodified  
20 as Sections 9-142 through 9-144 of Title 2 of the Oklahoma Statutes,  
21 unless there is created a duplication in numbering. Sections 10 and  
22 11, Chapter 185, O.S.L. 1996 (2 O.S. Supp. 2000, Sections 1753.1 and  
23 1753.2), as amended by Sections 97 and 98 of this act, shall be

1 recodified as Sections 9-145 and 9-146 of Title 2 of the Oklahoma  
2 Statutes, unless there is created a duplication in numbering. 2  
3 O.S. 1991, Section 1754, as last amended by Section 99 of this act,  
4 shall be recodified as Section 9-147 of Title 2 of the Oklahoma  
5 Statutes, unless there is created a duplication in numbering.

6 SECTION 256. RECODIFICATION Section 1, Chapter 266,  
7 O.S.L. 1992 (2 O.S. Supp. 2000, Section 1551.1), shall be recodified  
8 as Section 18-120 of Title 2 of the Oklahoma Statutes, unless there  
9 is created a duplication in numbering.

10 SECTION 257. RECODIFICATION 2 O.S. 1991, Sections 1761  
11 and 1762, as last amended by Sections 100 and 101 of this act, 1763,  
12 as amended by Section 102 of this act, and 1764, shall be recodified  
13 as Sections 5-81 through 5-84 of Title 2 of the Oklahoma Statutes,  
14 unless there is created a duplication in numbering.

15 SECTION 258. RECODIFICATION 2 O.S. 1991, Sections 1765,  
16 as amended by Section 103 of this act, 1766 and 1767, as last  
17 amended by Sections 104 and 105 of this act, and 1768 and 1769, as  
18 amended by Sections 106 and 107 of this act, shall be recodified as  
19 Sections 5-85 through 5-89 of Title 2 of the Oklahoma Statutes,  
20 unless there is created a duplication in numbering.

21 SECTION 259. RECODIFICATION 2 O.S. 1991, Sections 1901,  
22 1902, 1903, 1904, 1905 and 1906, as amended by Sections 108, 109,  
23 110, 111, 112 and 113 of this act, 1907, as last amended by Section

1 114 of this act, and 1908, as amended by Section 115 of this act,  
2 shall be recodified as Sections 11-20 through 11-27 of Title 2 of  
3 the Oklahoma Statutes, unless there is created a duplication in  
4 numbering.

5 SECTION 260. RECODIFICATION 2 O.S. 1991, Sections 2011,  
6 2012, 2013, 2014, 2015, 2016, 2017 and 2018, as amended by Sections  
7 116, 117, 118, 119, 120, 121, 122 and 123 of this act, shall be  
8 recodified as Sections 11-35 through 11-42 of Title 2 of the  
9 Oklahoma Statutes, unless there is created a duplication in  
10 numbering. 2 O.S. 1991, Section 2021, as amended by Section 124 of  
11 this act, shall be recodified as Section 11-80 of Title 2 of the  
12 Oklahoma Statutes, unless there is created a duplication in  
13 numbering.

14 SECTION 261. RECODIFICATION Section 1, Chapter 357,  
15 O.S.L. 1994 (2 O.S. Supp. 2000, Section 3001), as amended by Section  
16 125 of this act, shall be recodified as Section 5-91 of Title 2 of  
17 the Oklahoma Statutes, unless there is created a duplication in  
18 numbering. Sections 2, 3 and 4, Chapter 357, O.S.L. 1994 (2 O.S.  
19 Supp. 2000, Sections 3002, 3003 and 3004), as last amended by  
20 Sections 126, 127 and 128 of this act, shall be recodified as  
21 Sections 5-92 through 5-94 of Title 2 of the Oklahoma Statutes,  
22 unless there is created a duplication in numbering.

1 SECTION 262. RECODIFICATION Sections 1, 2 and 3, Chapter  
2 159, O.S.L. 1995 (2 O.S. Supp. 2000, Sections 3010, 3011 and 3012),  
3 as amended by Sections 129, 130 and 131 of this act, shall be  
4 recodified as Sections 5-100 through 5-102 of Title 2 of the  
5 Oklahoma Statutes, unless there is created a duplication in  
6 numbering.

7 SECTION 263. RECODIFICATION Section 1, Chapter 74,  
8 O.S.L. 1996 (2 O.S. Supp. 2000, Section 3021), as amended by Section  
9 132 of this act, shall be recodified as Section 5-111 of Title 2 of  
10 the Oklahoma Statutes, unless there is created a duplication in  
11 numbering.

12 SECTION 264. RECODIFICATION 2 O.S. 1991, Section 9-151,  
13 as amended by Section 110, Chapter 243, O.S.L. 2000 (2 O.S. Supp.  
14 2000, Section 9-151), shall be recodified as Section 5-2.1 of Title  
15 2 of the Oklahoma Statutes, unless there is created a duplication in  
16 numbering.

17 SECTION 265. RECODIFICATION Sections 1, 2, 3, 4, 5, 6,  
18 7, 8, 9, 10, 11 and 12, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000,  
19 Sections 1850.1, 1850.2, 1850.3, 1850.4, 1850.5, 1850.6, 1850.7,  
20 1850.8, 1850.9, 1850.10, 1850.11 and 1850.12), as amended by  
21 Sections 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144 and  
22 145 of this act, shall be recodified as Sections 18-240 through 18-

1 251 of Title 2 of the Oklahoma Statutes, unless there is created a  
2 duplication in numbering.

3 SECTION 266. RECODIFICATION 2 O.S. 1991, Sections 31,  
4 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44 and 45, as amended by  
5 Sections 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157,  
6 158 and 159 of this act, shall be recodified as Sections 15-1  
7 through 15-14 of Title 2 of the Oklahoma Statutes, unless there is  
8 created a duplication in numbering.

9 SECTION 267. RECODIFICATION 2 O.S. 1991, Sections 71,  
10 72, 73, 74, 75, 76, 77, 78, 79, 80, 81 and 82, as amended by  
11 Sections 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170 and  
12 171 of this act, shall be recodified as Sections 15-21 through 15-32  
13 of Title 2 of the Oklahoma Statutes, unless there is created a  
14 duplication in numbering.

15 SECTION 268. RECODIFICATION 2 O.S. 1991, Section 91, as  
16 amended by Section 172 of this act, and Section 1, Chapter 50,  
17 O.S.L. 1999 (2 O.S. Supp. 2000, Section 91.1), as amended by Section  
18 173 of this act, shall be recodified as Sections 15-51 and 15-52 of  
19 Title 2 of the Oklahoma Statutes, unless there is created a  
20 duplication in numbering. 2 O.S. 1991, Sections 92, 93, 94, 95, 96,  
21 97, 98, 99, 100, 101, 102, 103, 104, 104a and 104b, as amended by  
22 Sections 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185,  
23 186, 187 and 188 of this act, 104c, as last amended by Section 189

1 of this act, and 104d, 104e, 104e.1, 104f, 104g, 104h, 104i, 104j,  
2 104k and 104m, as amended by Sections 190, 191, 192, 193, 194, 195,  
3 196, 197, 198 and 199 of this act, shall be recodified as Sections  
4 15-53 through 15-78 of Title 2 of the Oklahoma Statutes, unless  
5 there is created a duplication in numbering. Section 2, Chapter  
6 120, O.S.L. 1992 (2 O.S. Supp. 2000, Section 104n), and 2 O.S. 1991,  
7 Sections 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116,  
8 117, 118, 119, 120 and 121, as amended by Sections 200, 201, 202,  
9 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216  
10 and 217 of this act, shall be recodified as Sections 15-79 through  
11 15-96 of Title 2 of the Oklahoma Statutes, unless there is created a  
12 duplication in numbering.

13 SECTION 269. RECODIFICATION 2 O.S. 1991, Sections 131.1  
14 and 131.2, as amended by Sections 218 and 219 of this act, shall be  
15 recodified as Sections 15-111 and 15-112 of Title 2 of the Oklahoma  
16 Statutes, unless there is created a duplication in numbering.  
17 Section 2, Chapter 114, O.S.L. 1993 (2 O.S. Supp. 2000, Section  
18 131.3A), and 2 O.S. 1991, Section 131.4, as last amended by Sections  
19 220 and 221 of this act, shall be recodified as Sections 15-113 and  
20 15-114 of Title 2 of the Oklahoma Statutes, unless there is created  
21 a duplication in numbering. 2 O.S. 1991, Sections 131.5, 131.6,  
22 131.7, 131.8, 131.9, 131.10, 131.11, 131.12, 131.13, 131.14, 131.15,  
23 131.16 and 131.17, as amended by Sections 222, 223, 224, 225, 226,

1 227, 228, 229, 230, 231, 232, 233 and 234 of this act, shall be  
2 recodified as Sections 15-115 through 15-127 of Title 2 of the  
3 Oklahoma Statutes, unless there is created a duplication in  
4 numbering.

5 SECTION 270. RECODIFICATION 2 O.S. 1991, Sections 157.1,  
6 157.2, 157.3, 157.4, 157.5, 157.6 and 157.7, as amended by Sections  
7 235, 236, 237, 238, 239, 240 and 241 of this act, shall be  
8 recodified as Section 15-141 through 15-147 of Title 2 of the  
9 Oklahoma Statutes, unless there is created a duplication in  
10 numbering.

11 SECTION 271. RECODIFICATION 2 O.S. 1991, Sections 161,  
12 162 and 163, as amended by Sections 242, 243 and 244 of this act,  
13 shall be recodified as Sections 15-161 through 15-163 of Title 2 of  
14 the Oklahoma Statutes, unless there is created a duplication in  
15 numbering.

16 SECTION 272. REPEALER 2 O.S. 1991, Sections 131.18, 247,  
17 248, 250, 738.4, 738.5, 794, 951, 952, 953, 1459, 1460, 1712, 2001,  
18 2002, 2003, 2004, 2005, 2006, 2007, Section 2, Chapter 74, O.S.L.  
19 1996 and Section 1, Chapter 49, O.S.L. 1998 (2 O.S. Supp. 2000,  
20 Sections 3022 and 3030), are hereby repealed.

21 SECTION 273. It being immediately necessary for the  
22 preservation of the public peace, health and safety, an emergency is

1 hereby declared to exist, by reason whereof this act shall take  
2 effect and be in full force from and after its passage and approval.  
3 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT,  
4 dated 3-20-01 - DO PASS.