

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 522

By: Easley

AS INTRODUCED

An Act relating to agriculture; amending 2 O.S. 1991, Sections 743 and 748, which relate to prairie and forest fires; amending statutory reference; clarifying language; making language gender-neutral; adding hay, grass, and crops to list of certain possessions; amending 2 O.S. 1991, Sections 1301-101, as amended by Section 1, Chapter 238, O.S.L. 1995, 1301-102, as amended by Section 2, Chapter 238, O.S.L. 1995, 1301-103, as amended by Section 351, Chapter 145, O.S.L. 1993, 1301-104, 1301-105, Section 1, Chapter 300, O.S.L. 1998, 1301-106, 1301-107, as last amended by Section 1, Chapter 272, O.S.L. 1994, 1301-108, Section 1, Chapter 19, O.S.L. 1996, Section 2, Chapter 19, O.S.L. 1996, Section 3, Chapter 19, O.S.L. 1996, Section 4, Chapter 19, O.S.L. 1996, 1301-201, 1301-202, 1301-203, 1301-204, 1301-205, as last amended by Section 34, Chapter 5, 1st Extraordinary Session, O.S.L. 1999, 1301-206, 1301-207, 1301-208, as last amended by Section 35, Chapter 5, 1st Extraordinary Session, O.S.L. 1999, 1301-209, 1301-210, 1301-212, 1301-213, 1301-214, as last amended by Section 36, Chapter 5, 1st Extraordinary Session, O.S.L. 1999, 1301-215, 1301-216, 1301-217, 1301-218, 1301-301, 1301-302, 1301-303, 1301-304, 1301-305, 1301-306, 1301-307, 1301-308, 1301-309, as last amended by Section 37, Chapter 5, 1st Extraordinary Session, O.S.L. 1999, 1301-310, as last amended by Section 38, Chapter 5, 1st Extraordinary Session, O.S.L. 1999, Section 4, Chapter 238, O.S.L. 1995, Section 5, Chapter 238, O.S.L. 1995, Section 6, Chapter 238, O.S.L. 1995, as last amended by Section 39, Chapter 5, 1st Extraordinary Session, O.S.L. 1999, Section 7, Chapter 238, O.S.L. 1995, as amended by Section 1, Chapter 26, O.S.L. 1996, Section 8, Chapter 238, O.S.L. 1995, as amended by Section 2, Chapter 26, O.S.L. 1996, Section 9, Chapter 238, O.S.L. 1995, as last amended by Section 40, Chapter 5, 1st Extraordinary Session, O.S.L. 1999, 1301-311, 1301-314, 1301-315, as amended by Section 1, Chapter 141, O.S.L. 2000, 1301-316, Section 1, Chapter 393, O.S.L. 1998 (2 O.S. Supp. 2000, Sections 1301-101, 1301-102, 1301-103, 1301-105.1, 1301-107, 1301-109, 1301-110, 1301-111, 1301-112, 1301-205, 1301-208, 1301-214, 1301-309, 1301-310, 1301-310.1, 1301-310.2, 1301-310.3, 1301-310.4, 1301-310.5, 1301-310.6, 1301-315 and 1301-501), which relate to the Oklahoma Forestry Code; amending statutory reference; clarifying language; modifying definitions; adding and deleting definitions; expanding entities which Board is directed to cooperate; expanding type of acts which constitute a felony; modifying penalty for

interference with firefighters engaged in official duties; deleting certain persons from agreements to assist in firefighting operations; deleting requirement for special officers to furnish bond; creating civil liability for certain burning; stating damages for certain burning; stating parameters for controlled burning; deleting certain references to civil liability; requiring certain costs for suppressing fires to be paid within certain time; providing for notice; deleting certain penalty for destroying fire control signs; modifying members of the Advisory Committee of the South Central Interstate Forest Fire Protection Compact; modifying certain guidelines for state land management; deleting certain references to certain penalties; amending Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.1, 1850.2, 1850.3, 1850.4, 1850.5, 1850.6, 1850.7, 1850.8, 1850.9, 1850.10, 1850.11 and 1850.12), which relate to the Oklahoma Sorghum Resources Act; clarifying language; deleting obsolete language; amending statutory reference; deleting term limits from the Oklahoma Sorghum Commission; adding qualification for filling vacancy; deleting certain assessment; adding requirement for certain refund; deleting assessment from certain ballots; providing for recodification; repealing 2 O.S. 1991, Sections 741, 742, 744, 745, 746, 747, 1301-211 and 1301-403, which relate to various provisions of the Oklahoma Agriculture Code; providing for recodification; and declaring an emergency.

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

SECTION 1. AMENDATORY 2 O.S. 1991, Section 743, is amended to read as follows:

Section 743. If any fire, set as provided in ~~the preceding section~~ Section 16-28 of this title, should by accident and without any fault or neglect of the person setting the ~~same~~ fire, get beyond ~~his~~ the person's control, ~~such~~ the person shall be liable as provided in ~~the second preceding section~~ Section 16-25 of this title for all damages done by ~~said~~ the fire, but not otherwise. ~~But if~~ ~~such~~ If the fire should by negligence, carelessness, or ~~be~~ intentionally by intention be permitted to spread beyond the bounds of ~~such~~ the ~~strip of land mentioned in the preceding section~~ Section 16-28 of this title, then the person setting ~~such~~ the fire shall be

liable both civilly and criminally as provided in ~~the second~~
~~preceding section~~ Section 16-25 of this title.

SECTION 2. AMENDATORY 2 O.S. 1991, Section 748, is amended to read as follows:

Section 748. In any action instituted in any court to recover damages under the provisions of ~~this article~~ the Oklahoma Forestry Code, it shall not be necessary for any person, injured by any ~~such~~ fire to allege in ~~his~~ pleadings, or prove on trial ~~of such action,~~ title to the real property over which ~~such~~ the fire has spread, but it shall be sufficient in any ~~such~~ action to allege and prove that the person, ~~so~~ injured was in the occupancy or possession of any ~~such~~ ranch, buildings, improvements, hay, grass, crops, fencing, timber, marsh, or other property, claiming the right to and occupying with cattle any ~~such~~ cattle range; it being the purpose and intention of this ~~article~~ code to protect the possession ~~as aforesaid~~ of any person whether ~~he~~ the person ~~have~~ has title to the land ~~so~~ claimed or occupied or not. Any railroad company operating any line in this state shall be liable for all damages sustained by fire originating from operating its road.

SECTION 3. AMENDATORY 2 O.S. 1991, Section 1301-101, as amended by Section 1, Chapter 238, O.S.L. 1995 (2 O.S. Supp. 2000, Section 1301-101), is amended to read as follows:

Section 1301-101. A. ~~Chapter 28~~ Article 16 of Title 2 of the Oklahoma Statutes shall be known and ~~may be~~ cited as the Oklahoma Forestry Code.

B. All statutes ~~hereinafter~~ enacted and codified in ~~Chapter 28~~ Article 16 of Title 2 the Oklahoma Statutes shall be considered ~~and deemed~~ part of the Oklahoma Forestry Code.

SECTION 4. AMENDATORY 2 O.S. 1991, Section 1301-102, as amended by Section 2, Chapter 238, O.S.L. 1995 (2 O.S. Supp. 2000, Section 1301-102), is amended to read as follows:

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

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

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

3. ~~"Director" means the Director of Forestry of the State Board of Agriculture~~ "Established property line" means any boundary line which has been:

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

4. ~~"Person" means any individual, firm, partnership, corporation, organization or any combination thereof, whether or not incorporated~~ "Forest rangers" means all employees of the Forestry Division who have responsibilities in forest protection, including laborers, mechanics, and other employees who assist in forest protection;

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

6. ~~"Forest rangers" means all employees of the Forestry Division who have responsibilities in forest protection, including laborers, mechanics, radio technicians and other employees who assist in forest protection~~ "Logging or timber harvesting operation" means the cutting or harvesting of and removal of timber from a site, leaving the root mass intact;

7. ~~"Wildfires" includes any fire which is not controlled on forests, grasslands or fields~~ "Timber" means live and dead trees and the profit in any live and dead trees including, but not limited to, bark, foliage, wood, vines, firewood, crossties, and shrubbery;

8. ~~"Wild lands" refers to any unimproved lands regardless of kind of vegetative plant cover including forests, prairies, marshes and swamps~~ "Timber owner" means any person who owns the right to cut or harvest timber at the time the timber is to be cut or harvested, or who legally owns the severed timber;

9. ~~"Timber" means and includes live and dead trees and the profit in any live and dead trees including but not limited to bark, foliage, wood, vines, firewood, crossties and shrubbery~~ "Wildfires" means any fire which is not controlled on forests, grasslands, unimproved fields, or croplands; and

10. ~~"Logging or timber harvesting operations" means the cutting or harvesting of and removal of timber from a site, leaving the root mass intact;~~ "Wild lands" means any unimproved lands regardless of kind of vegetative plant cover including forests, prairies, marshes, and swamps

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

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

~~12. "Timber owner" means any person who owns the right to cut or harvest timber at the time the timber is to be cut or harvested, or who legally owns the severed timber.~~

SECTION 5. AMENDATORY 2 O.S. 1991, Section 1301-103, as amended by Section 351, Chapter 145, O.S.L. 1993 (2 O.S. Supp. 2000, Section 1301-103), is amended to read as follows:

Section 1301-103. The State Board of Agriculture shall institute a broad program of education and action in the protection, reforestation, harvesting, and wise use of forests and their products throughout Oklahoma under ~~such~~ the provisions ~~as they~~ the Board shall adopt. These provisions shall include the need for trees and forests to meet the increasing demands for forest products for human consumption, the necessity of environmental improvement to filter out noise and dirt, clean and replenish the atmosphere, to conserve soil, water and wildlife, and to provide outdoor recreation for healthful living. The Board shall administer silviculture best management practices in cooperation with forestry land users under the provisions of state and federal water pollution laws, ~~which~~ that include the process to identify silviculturally-related nonpoint sources of pollution as defined by the Oklahoma Environmental Quality Code and ~~setting forth,~~ to the extent feasible, establish procedures and methods to control ~~to the extent feasible such~~ these sources.

SECTION 6. AMENDATORY 2 O.S. 1991, Section 1301-104, is amended to read as follows:

Section 1301-104. It shall be the duty of the State Board of Agriculture under ~~such~~ terms ~~as in the judgment of~~ the Board ~~will~~ determines shall best serve the public interest to assist and cooperate with federal and state departments, ~~Oklahoma State University~~ educational institutions, counties, towns, corporations, or individuals; to gather and disseminate information ~~in regard to~~ about forests, their care and management; to prevent and extinguish forest fires; and to enforce all laws pertaining to forests and woodlands.

SECTION 7. AMENDATORY 2 O.S. 1991, Section 1301-105, is amended to read as follows:

Section 1301-105. The laws of this state relating to forestry activities shall be implemented, enforced, and ~~otherwise~~ carried out by the State Board of Agriculture through a division of the State Department of Agriculture to be known as the Forestry Division. Other law enforcement agencies of the state shall assist in the prevention, suppression, and investigation of fires, and the enforcement of the ~~forest fire laws~~ Oklahoma Forestry Code.

SECTION 8. AMENDATORY Section 1, Chapter 300, O.S.L. 1998 (2 O.S. Supp. 2000, Section 1301-105.1), is amended to read as follows:

Section 1301-105.1 Any person or persons acting in concert ~~with each other~~ who knowingly and willfully interfere with, molest, or assault forest rangers or firefighters in the performance of their duties, or who knowingly and willfully obstruct, interfere with, or impede the progress of forest rangers or firefighters to reach the destination of a fire, or who damage or destroy any vehicles or equipment used to reach or extinguish a fire shall, ~~upon conviction thereof,~~ be guilty of a ~~Schedule E~~ felony.

SECTION 9. AMENDATORY 2 O.S. 1991, Section 1301-106, is amended to read as follows:

Section 1301-106. The administrative head of the Forestry Division shall be the Director of Forestry, who shall be a professional forester and be ~~otherwise~~ qualified as required by the State Board of Agriculture. ~~Such other~~ Other professional, technical, and practical personnel ~~as may be~~ necessary to discharge the responsibilities of the Forestry Division shall be employed by the Director of Forestry, subject to the approval of the ~~State~~ Board of Agriculture.

SECTION 10. AMENDATORY 2 O.S. 1991, Section 1301-107, as last amended by Section 1, Chapter 272, O.S.L. 1994 (2 O.S. Supp. 2000, Section 1301-107), is amended to read as follows:

Section 1301-107. A. The Forestry Division, in connection with the enforcement of ~~this act and other forest and forest fire laws~~ the Oklahoma Forestry Code, shall have the following powers, authority, and duties:

1. To enforce the provisions of this code and other forest and forest protection laws of this state;
2. To prevent, detect, extinguish, and investigate forest fires in this state ~~and to do all things necessary in the exercise of such powers, authority and duties;~~
3. To provide forest fire fighting crews, who shall be under the control and direction of forest rangers and other designated agents of the Division in specified protection areas;
4. To appoint district foresters, assistant district foresters, investigators, rangers, and other employees;
5. To use the resources of the Division on state-owned parks and other state-administered lands to prevent and suppress fires and to establish fire fighting crews who shall be authorized to suppress fires on state lands;
6. To be reimbursed on an actual cost basis for all services provided to state parks and other lands administered by the State of Oklahoma;
7. To investigate cases of forest timber theft;
8. To make available for sale surplus state vehicles directly to rural fire departments or municipal fire departments, in cities or towns under ten thousand (10,000) population. State vehicles may be offered for sale only after approval is given in writing by the Department of Central Services and an evaluation is made of each vehicle and a price set by the Department of Central Services. The

Forestry Division may only receive the amount authorized by the Department of Central Services for the sale of the vehicle; and

9. To purchase equipment from the Rural Fire Defense Equipment Revolving Fund's inventory, when advantageous to the state, and ~~shall~~ to reimburse the Revolving Fund.

B. Forest rangers, and the fire fighting crews under their control and direction, may enter upon any lands for the purpose of preventing and suppressing forest fires and to enforce the provisions of ~~this act~~ the Oklahoma Forestry Code and other forest fire and forest protection laws of this state.

C. Forest rangers, employees of the Division, and all persons, ~~federal and state agencies who are~~ under contract or agreement with the Division to assist in fire fighting operations, as well as persons, ~~federal or state agencies, firms, companies or corporations~~ called upon by forest rangers or other authorized employees of the Division to assist in fire fighting under the direction or supervision of employees of the Division, may, in the performance of their duties, set backfires, dig trenches, cut firelines, and carry on all customary activities in the fighting of forest fires without incurring liability to any person.

D. 1. The Director may appoint, subject to the approval of the Board, special officers who shall have the power and authority to arrest. ~~Such special officers shall furnish bond in the sum of Two Thousand Five Hundred Dollars (\$2,500.00), payable to the Treasurer of the state and credited to the General Revenue Fund, conditioned upon the faithful discharge of their duties as such special officers, such bonds to be approved by the Division. Such~~ The special officers shall have power and authority throughout the state, under the direction and control of the Division, to enforce the criminal provisions contained in ~~this act~~ the Oklahoma Forestry Code and in other laws relating to forests and forest fires.

2. ~~Such~~ The special officers shall have power and authority to make arrests with or without warrants for violations of the criminal provisions of ~~this act~~ the Oklahoma Forestry Code and of other laws relating to forests and forest fires to the same extent and under the same limitations and duties as ~~de~~ peace officers under the provisions of Title 22, Chapter 3 of the Oklahoma Statutes.

3. In connection with the enforcement of the ~~said~~ criminal provisions, ~~such~~ the special officers and other state investigators or law enforcement officers may go upon all premises, ~~posted or otherwise,~~ when necessary for the enforcement of ~~such~~ laws. All ~~such~~ special officers shall be ex officio forest rangers and shall be under the control and direction of the Division; except, the Director may at any time, for cause, remove any powers and authority of arrest conferred ~~by him.~~ ~~Such special~~ Special officers shall have the same right and authority to carry arms as ~~de~~ the sheriffs of this state. The compensation of ~~such~~ special officers shall be fixed and paid by the Division from its funds.

SECTION 11. AMENDATORY 2 O.S. 1991, Section 1301-108, is amended to read as follows:

Section 1301-108. The State Board of Agriculture is ~~hereby~~ authorized to make payroll deductions for maintenance from Forestry Division employees living in residences located on land owned or leased by the Board. Within the next month following payroll deductions, the Board shall deposit these funds in the State Department of Agriculture Revolving Fund created by Section 2-10 of Title 2 of the Oklahoma Statutes. The expenditure of these funds for maintenance shall be limited to repairs, upkeep, and other expenses associated with the residences owned or leased by the Board.

SECTION 12. AMENDATORY Section 1, Chapter 19, O.S.L. 1996 (2 O.S. Supp. 2000, Section 1301-109), is amended to read as follows:

Section 1301-109. The State Board of Agriculture is ~~hereby~~ authorized to establish and administer a forestry cost-share program. The forestry cost-share program shall provide monies to private landowners for the purpose of implementing forest conservation or management practices on the land as described in forest management plans approved by the Commissioner of the State Department of Agriculture or meeting certain standards established by the Commissioner. The ~~State Board of Agriculture~~ shall promulgate rules governing the cost-share program.

SECTION 13. AMENDATORY Section 2, Chapter 19, O.S.L. 1996 (2 O.S. Supp. 2000, Section 1301-110), is amended to read as follows:

Section 1301-110. A. There is ~~hereby~~ created within the State Treasury a cost-share fund for the State Board of Agriculture to be designated the "Forestry Cost-Share Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Board to implement and maintain the forestry cost-share program.

B. The Forestry Cost-Share Fund shall consist of:

1. Money received by the State Department of Agriculture in the form of gifts, grants, reimbursements, donations, forest industry contributions, funds allocated by federal agencies for landowner forestry cost-share programs, and ~~such~~ other monies specifically designated for the forestry cost-share program. All monies accruing to the credit of ~~said~~ the fund are ~~hereby~~ appropriated and may be budgeted and expended by the Board for the forestry cost-share program; and

2. Interest attributable to investment of money in the Forestry Cost-Share Fund.

C. All donations or other proceeds received by the Department pursuant to the provisions of this section shall be deposited with the State Treasurer to be credited to the Forestry Cost-Share Fund.

Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

D. The monies deposited in the Forestry Cost-Share Fund shall at no time become part of the general budget of the Department or any other state agency. Except for any administration costs incurred in development and implementation of the forestry cost-share program, no monies from the Fund shall be transferred for any purpose to any other state agency or any account of the Board or Department or be used for the purpose of contracting with any other state agency or reimbursing any other state agency for any expense.

SECTION 14. AMENDATORY Section 3, Chapter 19, O.S.L. 1996 (2 O.S. Supp. 2000, Section 1301-111), is amended to read as follows:

Section 1301-111. A. The State Department of Agriculture may require eligible applicants to submit information, forms, and reports ~~as are~~ necessary to properly and efficiently administer the forestry cost-share program.

B. Persons may apply to the Commissioner of the State Department of Agriculture for cost-share funds to improve forest lands in the State of Oklahoma, in accordance with rules promulgated by the State Board of Agriculture. To be eligible, landowners shall follow a written forest management plan that has been prepared by a professional forester and approved by the Commissioner ~~of the State Department of Agriculture~~ or ~~which~~ that meets standards established by the Commissioner ~~of the State Department of Agriculture~~. Applications for funds shall be approved or denied by the Department in accordance with criteria promulgated by the Board.

C. The Commissioner shall allocate monies from the Fund to eligible landowners on a matching basis.

SECTION 15. AMENDATORY Section 4, Chapter 19, O.S.L. 1996 (2 O.S. Supp. 2000, Section 1301-112), is amended to read as follows:

Section 1301-112. A. The Commissioner of the State ~~Board~~ Department of Agriculture shall appoint a forestry cost-share advisory committee, which shall meet at least twice each year to review the implementation of the forestry cost-share program. The committee may seek public input and make recommendations on how best to achieve the purposes of the program. In lieu of appointing a new advisory committee, the Commissioner ~~of the State Board of~~ Agriculture may use the Forest Stewardship Program Committee.

B. The committee shall be chaired by the Commissioner ~~of the State Board of Agriculture~~, and shall include persons the Commissioner ~~of the State Board of Agriculture~~ determines ~~will~~ shall assist the committee in performing its advisory functions.

C. A majority of the members of the committee shall constitute a quorum for the transaction of business. Committee members shall serve without compensation, but may be reimbursed expenses incurred in the performance of their duties as provided in the State Travel Reimbursement Act.

SECTION 16. AMENDATORY 2 O.S. 1991, Section 1301-201, is amended to read as follows:

Section 1301-201. The Division shall organize forest protection areas ~~so as to most effectively~~ prevent, detect, and suppress wildfires most effectively, and, ~~to that end,~~ may employ ~~wardens or~~ forest rangers to have charge of its activities in each ~~such~~ area; may subdivide each area into patrol areas; may construct lookout towers, roads, bridges, firelines, ~~ranger stations~~ office facilities, and ~~telephone and radio~~ communication facilities; may purchase tools for firefighting as well as other necessary supplies and equipment; and may carry on all ~~other~~ activities ~~deemed~~

necessary to ~~effectively~~ protect the area effectively from ~~such~~ fires.

SECTION 17. AMENDATORY 2 O.S. 1991, Section 1301-202, is amended to read as follows:

Section 1301-202. Every member of a road construction or maintenance crew, whether employed by the State Highway Department or county commissioners of any county, and every road contractor or subcontractor of ~~said~~ the Highway Department or county commissioners and their employees shall keep all fires under control and confined to the right-of-way of any state, county or public road, or highway on ~~which~~ and adjacent to which the ~~said~~ crew, contractor, subcontractor, and employees are employed.

SECTION 18. AMENDATORY 2 O.S. 1991, Section 1301-203, is amended to read as follows:

Section 1301-203. The State Department of Highways and the county commissioners of the several counties of this state shall require their construction and maintenance crews, contractors, subcontractors, and employees to comply with the provisions of ~~this act~~ the Oklahoma Forestry Code, and the ~~said~~ highway department or county commissioners may adopt and promulgate rules ~~and regulations~~ for the observance of ~~said~~ the crews, contractors, subcontractors, and employees in carrying out the purposes and provisions of ~~this act~~ the Oklahoma Forestry Code.

SECTION 19. AMENDATORY 2 O.S. 1991, Section 1301-204, is amended to read as follows:

Section 1301-204. Any road foreman or member of a road construction or maintenance crew, or any foreman, superintendent, or employee of any road contractor or subcontractor, who shall, without sufficient cause, willfully refuse or neglect to prevent and suppress fires as provided in ~~this act~~ the Oklahoma Forestry Code shall be ~~deemed~~ guilty of a misdemeanor and upon conviction ~~thereof~~ shall be punished by a fine of not more than Five Hundred Dollars

(\$500.00) ~~or~~, by imprisonment for not more than one (1) year, or by both.

SECTION 20. AMENDATORY 2 O.S. 1991, Section 1301-205, as last amended by Section 34, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (2 O.S. Supp. 2000, Section 1301-205), is amended to read as follows:

Section 1301-205. A. It is unlawful for any person to carelessly or willfully burn or cause to be burned or to set fire to or cause any fire to be set to any forest, grass, crops, or woodlands not owned by, duly authorized by the owner or manager, or in the lawful possession of, the person setting ~~such~~ the fire or burning ~~such~~ the lands or causing ~~such~~ the fire to be burned.

B. Any person who carelessly violates this section is guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) ~~or~~, by imprisonment for not more than one (1) year, or ~~by~~ both. Any person who willfully violates this section is guilty of a felony punishable by a fine of not more than One Thousand Dollars (\$1,000.00) ~~or~~, by imprisonment for not more than three (3) years, or by both.

C. Any person who carelessly or willfully burns, causes to be burned, sets fire, or causes fire to be set, any forest, grass, croplands, or woodlands not owned by, duly authorized by the owner or manager, or in lawful possession of, shall be liable in a civil action to any person injured or damaged by a fire to the amount of the injury or damages.

SECTION 21. AMENDATORY 2 O.S. 1991, Section 1301-206, is amended to read as follows:

Section 1301-206. A. It is unlawful for any person to set fire to any forest, grass, woods, wild lands or marshes, or to build a campfire or bonfire, or to burn trash or other material that may cause a forest, grass or woods fire in any county, counties or area within a county where, because of emergency drought conditions,

there is gubernatorially proclaimed extraordinary danger from fire, unless the setting of any backfire during the drought emergency is necessary to afford protection as determined by a representative of the Division of Forestry, or unless it can be established that the setting of such backfire was necessary for the purpose of saving life or property. The burden of proving such shall rest on such person claiming same as a defense.

B. The Division of Forestry shall advise the Governor when the lands described in subsection A of this section in any county, counties or area within a county of this state because of emergency drought conditions are in extraordinary danger from fire. The Governor may by proclamation declare a drought emergency to exist and describe the general boundaries of the area affected.

C. Any proclamation promulgated by the Governor under authority of this section shall be effective immediately upon publication in a newspaper of general circulation in the area affected; or the posting of the proclamation at the front door of the courthouse or courthouses and in at least ten public places throughout the area. Evidence of publication or posting as herein provided must be filed with the Forestry Division.

D. When conditions warrant, due notice of the termination of the emergency shall be promptly made by proclamation, which shall be published or posted in like manner as when officially declared.

E. Any person who violates this section is guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) ~~or~~, by imprisonment for not more than one (1) year, or ~~by~~ both.

SECTION 22. AMENDATORY 2 O.S. 1991, Section 1301-207, is amended to read as follows:

Section 1301-207. It is unlawful for any ~~individual or group of individuals~~ person to willfully, negligently, or carelessly build a warming or camp fire and leave ~~same~~ the fire unextinguished or allow

the fire to spread. Any person who violates this section is guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00), ~~or~~ by imprisonment for not more than one (1) year, or ~~by~~ both.

SECTION 23. AMENDATORY 2 O.S. 1991, Section 1301-208, as last amended by Section 35, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (2 O.S. Supp. 2000, Section 1301-208), is amended to read as follows:

Section 1301-208. A. It is unlawful for any person either willfully or carelessly to burn ~~or~~, cause to be burned ~~or~~, to set fire to, or cause fire to be set to any forest, grass, croplands, woods, wild lands, or marshes owned or controlled by ~~such~~ that person, except under the following circumstances:

~~(1)~~ 1. In protection areas, notification to burn ~~must~~ shall be made to the local office or local representative of the Forestry Division at least four (4) hours in advance and verbal or written approval obtained; or

~~(2)~~ outside 2. Outside protection areas, in order for ~~such~~ prescribed or controlled burning to be lawful, such person owning or controlling the land shall take reasonable precaution against the spreading of fire to other lands by providing adequate firelines, manpower, and fire fighting equipment for the control of ~~such~~ the fire, shall watch over ~~said~~ the fire until it is extinguished and shall not permit fire to escape to adjoining land. Nothing in this section shall relieve the person from the obligation to confine the fire to the owner's, agent's, or tenant's land. ~~This act~~ The Oklahoma Forestry Code shall not apply to trimming or cutting of trees by public or private utilities for the purpose of eliminating interference with utility lines, poles, or other utility equipment.

B. If any ranch, buildings, improvements, hay, grass, crops, fencings, timber, marsh, or other property of any person shall be injured or destroyed by any fire described in this section, the

person who shall cause or allow the damage or injury from that fire shall be responsible.

C. Any person who carelessly violates this section is guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) ~~or~~, by imprisonment for not more than one (1) year, or ~~by~~ both. Any person who willfully violates this section is guilty of a felony punishable by a fine of not more than One Thousand Dollars (\$1,000.00) ~~or~~, by imprisonment for not more than three (3) years, or by both.

D. Fire set under the provisions of this section shall not be allowed to spread beyond the control of the person setting the fire and shall be subdued and extinguished the same day the fire is set.

SECTION 24. AMENDATORY 2 O.S. 1991, Section 1301-209, is amended to read as follows:

Section 1301-209. Any person violating any of the provisions of ~~this act~~ the Oklahoma Forestry Code shall be liable for all damages caused by ~~such~~ any violation, which damages shall be recoverable in any court of competent jurisdiction. ~~The civil liability shall obtain whether or not there be criminal prosecution and conviction.~~

SECTION 25. AMENDATORY 2 O.S. 1991, Section 1301-210, is amended to read as follows:

Section 1301-210. The Forestry Division, ~~in its discretion~~, of the State Department of Agriculture may offer and pay rewards for information leading to the arrest and conviction of any person violating any of the provisions of ~~this act~~ the Oklahoma Forestry Code.

SECTION 26. AMENDATORY 2 O.S. 1991, Section 1301-212, is amended to read as follows:

Section 1301-212. Whoever willfully or carelessly shall cause an unlawful forest, grass, crops, or woods fire shall, in addition to all other penalties provided by law, be liable for payment of all reasonable costs and expenses incurred in suppressing ~~same~~ the fire.

~~Said~~ The costs and expenses shall be payable to the Forestry Division or other governmental units, who shall, in the case of cooperating persons, disburse ~~such~~ the funds in proportionate share based on standard suppression costs. When ~~such~~ the costs and expenses are not paid ~~in a reasonable time~~ within ninety (90) days after written notice of demand, it shall be the duty of the district attorney having jurisdiction to take proper legal proceedings for ~~the~~ collection ~~thereof~~. The liability for costs of suppression shall ~~obtain~~ exist whether there ~~be~~ is criminal prosecution or not and the liability shall extend to the person or persons, ~~firm or corporation~~ causing, directing, or permitting ~~such~~ the activity as well as to the actual violator.

SECTION 27. AMENDATORY 2 O.S. 1991, Section 1301-213, is amended to read as follows:

Section 1301-213. Whoever intentionally breaks down, mutilates, removes, or destroys any fire control or forestry sign or poster of the Division of Forestry erected in the administration of its lawful duties and authorities shall be guilty of a misdemeanor and shall be subject to imprisonment not exceeding three (3) months ~~or~~, by fine not exceeding Two Hundred Dollars (\$200.00), or by both ~~such fine and imprisonment~~.

SECTION 28. AMENDATORY 2 O.S. 1991, Section 1301-214, as last amended by Section 36, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (2 O.S. Supp. 2000, Section 1301-214), is amended to read as follows:

Section 1301-214. A. ~~Whoever has in his possession~~ Any person possessing any incendiary device as defined by subsection B of this section with the intent to use ~~such~~ the device for the purpose of burning or setting fire to any forest, grass, crops, or woodlands, ~~which forest, grass or woodlands such that the person possessing such that~~ such that device is not the owner of nor in possession of lawfully, as under a lease, shall, ~~upon conviction thereof~~, be deemed guilty

of a felony punishable by a fine of not more than One Thousand Dollars (\$1,000.00) ~~or,~~ by imprisonment for not more than three (3) years, or by both.

B. The term "incendiary device" as used in this section includes, but is not limited to, any "slow match" which is any device contrived to accomplish the delayed ignition of a match or matches or other ~~inflammable~~ flammable material by the use of a cigarette, rope, or candle to which ~~such~~ the match or matches are attached, or a magnifying glass ~~so~~ focused ~~as~~ to intensify heat on ~~inflammable~~ flammable material and ~~thus~~ cause a fire to start at a subsequent time, or any chemicals, chemically treated paper or material, or other combustible material ~~so~~ arranged or designed ~~as~~ to make possible its use as a delayed firing device.

SECTION 29. AMENDATORY 2 O.S. 1991, Section 1301-215, is amended to read as follows:

Section 1301-215. The Governor, on behalf of this state, is ~~hereby~~ authorized to execute a compact, in substantially the following form, with any one or more of the states of Arkansas, Louisiana, Mississippi, and Texas, and the Legislature ~~hereby~~ signifies in advance its approval and ratification of ~~such~~ the compact:

SOUTH CENTRAL INTERSTATE FOREST

FIRE PROTECTION COMPACT

ARTICLE I.

The purpose of this compact is to promote effective prevention and control of forest fires in the South Central region of the United States by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member states, by providing for mutual aid in fighting forest fires among the compacting states of the region and with states which are party to other Regional Forest Fire Protection compacts or agreements, and for more adequate forest development.

ARTICLE II.

This compact shall become operative immediately as to those states ratifying it whenever any two or more of the states of Arkansas, Louisiana, Mississippi, Oklahoma and Texas which are contiguous have ratified it and Congress has given consent thereto. Any state not mentioned in this article which is contiguous with any member state may become a party to this compact, subject to approval by the Legislature of each of the member states.

ARTICLE III.

In each state, the state forester or officer holding the equivalent position who is responsible for forest fire control shall act as compact administrator for that state and shall consult with like officials of the other member states and shall implement cooperation between such states in forest fire prevention and control.

The compact administrators of the member states shall organize to coordinate the services of the member states and provide administrative integration in carrying out the purposes of this compact.

There shall be established an advisory committee of legislators, forestry commission representatives, and forestry or forest products industries representatives which shall meet, from time to time, with the compact administrators. Each member state shall name one member of the Senate and one member of the House of Representatives, and the Governor of each member state shall appoint one representative who shall be the chairman of the state forestry commission or comparable official and one representative who shall be associated with forestry or forest products industries to comprise the membership of the advisory committee. Action shall be taken by a majority of the compacting states, and each state shall be entitled to one vote.

The compact administrators shall formulate and, in accordance with need, from time to time, revise a regional forest fire plan for the member states.

It shall be the duty of each member state to formulate and put in effect a forest fire plan for that state and take such measures as may be necessary to integrate such forest fire plan with the regional forest fire plan formulated by the compact administrators.

ARTICLE IV.

Whenever the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combating, controlling or preventing forest fires, it shall be the duty of the state forest fire control agency of that state to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

ARTICLE V.

Whenever the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of such state shall, under the direction of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employees of the state to which they are rendering aid.

No member state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith: Provided, that nothing herein shall be construed as relieving any person from liability for his own negligent act or omission, or as imposing liability for such negligent act or omission upon any state.

All liability, except as otherwise provided herein, that may arise either under the laws of the requesting state or under the

laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

Any member state rendering outside aid pursuant to this compact shall be reimbursed by the member state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries, and maintenance of employees and equipment incurred in connection with such request; provided, that nothing herein contained shall prevent any assisting member state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such service to the receiving member state without charge or cost.

Each member state shall provide for the payment of compensation and death benefits to injured employees and the representatives of deceased employees in case employees sustain injuries or are killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

For the purposes of this compact the term "employee" shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state under the laws thereof.

The compact administrators shall formulate procedures for claims and reimbursement under the provisions of this article, in accordance with the laws of the member states.

ARTICLE VI.

Ratification of this compact shall not be construed to affect any existing statute so as to authorize or permit curtailment or diminution of the forest fire fighting forces, equipment, services or facilities of any member state.

Nothing in this compact shall be construed to limit or restrict the powers of any state ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules or regulations intended to aid in such prevention, control and extinguishment in such state.

Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between the United States Forest Service and a member state or states.

ARTICLE VII.

The compact administrators may request the United States Forest Service to act as the primary research and coordinating agency of the South Central Interstate Forest Fire Protection Compact in cooperation with the appropriate agencies in each state, and the United States Forest Service may accept the initial responsibility in preparing and presenting to the compact administrators its recommendations with respect to the regional fire plan. Representatives of the United States Forest Service may attend meetings of the compact administrators.

ARTICLE VIII.

The provisions of Articles IV and V of this compact which relate to mutual aid in combating, controlling or preventing forest fires shall be operative as between any state party to this compact and any other state which is party to a regional forest fire protection compact in another region; provided, that the legislature of such other state shall have given its assent to such mutual aid provisions of this compact.

ARTICLE IX.

This compact shall continue in force and remain binding on each state ratifying it until the legislature or the Governor of such state takes action to withdraw therefrom. Such action shall not be effective until six (6) months after notice thereof has been sent by

the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact.

SECTION 30. AMENDATORY 2 O.S. 1991, Section 1301-216, is amended to read as follows:

Section 1301-216. When the Governor ~~shall have executed said~~ executes the compact on behalf of this state and ~~shall have caused~~ causes a verified copy ~~thereof~~ of the compact to be filed with the Secretary of State, and when ~~said the~~ the compact ~~shall have~~ has been ratified by one or more of the states named in Section ~~±~~ 16-35 of this ~~act~~ title, then ~~said the~~ the compact shall become operative and effective as between this state and ~~such~~ any other state or states. The Governor is ~~hereby~~ authorized and directed to take ~~such~~ action ~~as may be~~ necessary to complete the exchange of official documents ~~as~~ between this state and any other state ratifying ~~said the~~ the compact.

SECTION 31. AMENDATORY 2 O.S. 1991, Section 1301-217, is amended to read as follows:

Section 1301-217 The Governor is ~~hereby~~ designated as the official Compact Administrator of the State of Oklahoma under the South Central Interstate Forest Fire Protection Compact ~~herein~~ ~~authorized to be executed,~~ and shall exercise and perform for the State of Oklahoma all the powers and duties imposed by the ~~aforsaid~~ compact upon the ~~compact administrator provided, that the;~~ Compact Administrator. The Governor shall have authority to delegate the exercise of ~~such~~ the powers and duties to the Director of Forestry, Division of Forestry, ~~Oklahoma Planning and Resources~~ State Board ~~and the said;~~ of Agriculture. The Director of Forestry shall be ~~assistant~~ Assistant Compact Administrator and shall act as the official representative of the State of Oklahoma and ~~compact administrator~~ the Compact Administrator pursuant to the delegation to ~~him by~~ the ~~Governor~~ Assistant Compact Administrator of ~~said the~~ the powers and duties. In addition, ~~said the~~ the Assistant Compact

Administrator shall perform ~~such~~ other duties as the Governor may designate ~~which~~ that are necessary to enable the State of Oklahoma ~~fully~~ to cooperate in accomplishing the ~~objects~~ objectives of ~~said~~ the compact.

SECTION 32. AMENDATORY 2 O.S. 1991, Section 1301-218, is amended to read as follows:

Section 1301-218. The Oklahoma members of the Advisory Committee referred to in Article III of the South Central Interstate Forest Fire Protection Compact shall be selected as follows: One member shall be named from the membership of the Senate of the State of Oklahoma by the President Pro Tempore; One member shall be named from the membership of the House of Representatives of the State of Oklahoma by the Speaker of ~~said~~ the House; Two members shall be appointed by the Governor, provided, that one of the two members appointed by the Governor shall be the ~~Chairman~~ President of the ~~Oklahoma Planning and Resources~~ State Board of Agriculture, and the other member appointed by the Governor shall be a person associated with forestry or forest products industries.

SECTION 33. AMENDATORY 2 O.S. 1991, Section 1301-301, is amended to read as follows:

Section 1301-301. The State Board of Agriculture for its Forestry Division on behalf of the state may acquire land suitable for nurseries, seed orchards, state forests, school forests, tower, recreation and other sites by gift, donation, or purchase ~~or~~ ~~otherwise~~ and may enter into agreements with the federal government or other agency for acquiring by gift, or purchase ~~or otherwise~~ ~~such~~ the lands ~~as~~ that are, in the judgment of the Board, suitable and desirable for the above purposes.

SECTION 34. AMENDATORY 2 O.S. 1991, Section 1301-302, is amended to read as follows:

Section 1301-302. A. The State Board of Agriculture shall enter into no agreement for the acquisition, lease, or purchase of

any land or for any other purpose whatsoever which shall pledge the credit of, or obligate in any manner whatsoever, the state to pay any sum of money or other thing of value for ~~such~~ any purpose, and the ~~said~~ Board shall not in any manner or for any purpose pledge the credit of or obligate the state to pay any sum of money. The ~~said~~ Board may receive, hold the custody of, and exercise control of any lands, and set aside into a separate, distinct, and inviolable fund the proceeds which may be derived from the sales of the products of ~~such~~ any lands, ~~the~~ to use ~~thereof~~ in any manner, or the sale of ~~such~~ the lands save the twenty-five percent (25%) of the proceeds ~~thereof~~ of the sale to be paid into the state school fund. The Board may use and apply ~~such~~ the funds for the acquisition, use, custody, management, development, or improvement of any lands vested in or subject to the control of ~~such~~ the Board. After full payment has been made for the purchase of a state forest, to the federal government or other grantor, then fifteen percent (15%) of the gross receipts from a state forest shall be paid to the county or counties in which it is located in proportion to the acreage located in each county for use by the county or counties for school purposes; except that payment of gross receipts shall only apply to the state forest lands and not other lands listed in Section ~~301~~ 16-51 of this title.

B. The Commissioners of the Land Office are ~~hereby~~ authorized and directed to make and enter into a lease for a period of ten (10) years, with privilege of renewing at the end of each ten-year period ~~until otherwise provided by law~~, with the State Department of Agriculture, Forestry Division, the following described land and premises:

Lots One (1) and Two (2) and the East Half (E 1/2) of the Northwest Quarter (NW 1/4) and the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of Section Seven (7), Township Six (6) South, Range Twenty-five (25) East of the Indian Meridian,

containing two hundred forty (240) acres, more or less, situated in McCurtain County, State of Oklahoma.

~~Such~~ The lease shall contain the following provisions in addition to any which may be agreed upon by the Commissioners of the Land Office and the State Department of Agriculture, Forestry Division:

1. The lessee shall maintain on ~~such~~ the property the administrative headquarters for ~~Fire Protection Unit No. One of the Forestry Service~~ the Southeast Area of the Forestry Division;

2. The lessee shall maintain, repair, and preserve all improvements located on ~~said~~ the described lands;

3. The lessee shall maintain and carry out a forestry plan for the entire two hundred forty-acre tract, and do the necessary planting and other forestry work ~~to bring the stand of timber up to normal and~~ to restore ~~such~~ the timber growth to its maximum productive value;

4. The lessee shall take all necessary and proper measures to protect the area from fire and theft;

5. The lessee shall formulate and carry out a plan for harvesting of the timber so that maximum financial return may be realized for the state, and that the maximum value ~~of the culture~~ shall be realized for demonstration purposes;

6. Unless ~~otherwise~~ changed by law, the annual rental payable annually of five percent (5%) per year of the appraised value of ~~said~~ the lands without improvement shall be paid out of funds appropriated to the lessee into the common school fund of this state.

SECTION 35. AMENDATORY 2 O.S. 1991, Section 1301-303, is amended to read as follows:

Section 1301-303. All lands acquired by the State Board of Agriculture on behalf of the state shall be in the custody of and subject to the jurisdiction, management, and control of the ~~said~~ Board and, for ~~such~~ the purposes and the utilization and development

of ~~such~~ the land, the ~~said~~ Board may use the proceeds of the sale of any products ~~therefrom~~; the proceeds of the sale of any ~~such~~ lands, save the twenty-five percent (25%) of ~~such~~ the proceeds which shall be paid into the state school fund; and ~~such~~ other funds ~~as may be~~ appropriated for use by the Board and, in the opinion of ~~such~~ the Board, available for ~~such~~ any uses and purposes.

SECTION 36. AMENDATORY 2 O.S. 1991, Section 1301-304, is amended to read as follows:

Section 1301-304. The State Board of Agriculture may sell, exchange ~~or~~, lease, or ~~otherwise~~ dispose of any lands under its jurisdiction by the provisions of ~~this act~~ the Oklahoma Forestry Code when in its judgment it is advantageous to the state ~~to do so~~. All ~~such~~ sales, exchanges, ~~or~~ leases, or dispositions of ~~such~~ lands shall be at least upon a thirty-day public notice, to be given ~~in~~ ~~the manner deemed reasonable~~ by the ~~said~~ Board, and shall be by sealed competitive bids, and awarded to the highest bidder.

SECTION 37. AMENDATORY 2 O.S. 1991, Section 1301-305, is amended to read as follows:

Section 1301-305. The State Board of Agriculture is empowered to cooperate with the United States Secretary of Agriculture and with communities, towns, cities, and individuals in the planning, care, and management of trees and forests for shade, ornamental, and recreational purposes, and to improve air quality, reduce noise, and conserve soil, water, and ecological balance. Forest management to meet human needs for forest products is also authorized.

SECTION 38. AMENDATORY 2 O.S. 1991, Section 1301-306, is amended to read as follows:

Section 1301-306. The purpose of the provisions of ~~this act~~ the Oklahoma Forestry Code relating to forest management is to encourage the practice of scientific forest management on all lands owned by the State of Oklahoma ~~the practice of scientific forest management~~ according to standards that ~~will~~ shall manage, protect, utilize, and

perpetuate ~~pine and other~~ suitable trees for their many benefits. The provisions of ~~this act~~ the Oklahoma Forestry Code shall not be construed to apply to state-owned land in wilderness areas.

SECTION 39. AMENDATORY 2 O.S. 1991, Section 1301-307, is amended to read as follows:

Section 1301-307. The Director shall have authority to advise the several agencies, departments, institutions, bureaus, offices, and all other administrative units of the State of Oklahoma, having state-owned lands under their control, concerning forestry management practices and programs ~~which will~~ that shall most effectively carry out the purposes of ~~this act~~ the Oklahoma Forestry Code. ~~Said~~ The Director shall issue, or cause to be issued, the most scientific forestry management practice and shall distribute ~~same~~ this information, assisted financially by ~~such~~ the administrative unit of state government having control over ~~said~~ the lands.

SECTION 40. AMENDATORY 2 O.S. 1991, Section 1301-308, is amended to read as follows:

Section 1301-308. To effectuate the purposes of ~~this act~~ the Oklahoma Forestry Code, the Director of Forestry, or persons designated by ~~him~~ the Director, shall have authority, and it shall be ~~his~~ the Director's duty, to prescribe ~~such~~ rules and ~~regulations~~ as ~~may be~~ necessary to insure the conservation and protection of ~~pine timber and other~~ suitable trees on lands owned by the State of Oklahoma. ~~Such~~ The rules and ~~regulations~~ shall include, but shall not be limited to, the following:

1. Require that a good growing stock of ~~pine~~ suitable trees shall be ~~left~~ established and maintained on the land at all times ~~except as provided in subparagraph 5 of this section~~ to bring the land to full productivity;

2. Provide that ~~pine timber and other~~ suitable trees ~~may~~ be managed for the most profitable products or other benefits; and

3. ~~Restrict the cutting of pine for pulpwood to the purpose of improving, promoting and protecting pine timber and pine timber lands; unless, in the opinion of the Director of Forestry, conditions are such that pulpwood would be the most profitable product produced on a long-term basis;~~

4. ~~Require, when feasible, the removal of undesirable hardwoods in order to favor the growth of pine;~~

5. ~~Require that pine seedlings be planted where it is deemed advisable to bring the land to full productivity;~~

6. Require adequate fire protection at all times.

§SECTION 41. AMENDATORY 2 O.S. 1991, Section 1301-309, as last amended by Section 37, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (2 O.S. Supp. 2000, Section 1301-309), is amended to read as follows:

Section 1301-309. No ~~pine~~ timber or other timber products shall be removed from any lands owned by the State of Oklahoma, except for public utilities and improvements, and no officer, employee, or any other person employed by the State of Oklahoma shall authorize ~~such~~ the removal, except upon written approval of the Director of Forestry. In carrying out the duties of this section ~~said, the~~ Director is ~~hereby~~ authorized to delegate authority to ~~such~~ persons ~~as he may deem~~ qualified to act in ~~his~~ the Director's behalf.

Any person violating this section shall be guilty of a felony and upon conviction be punished, for the first offense by a fine not exceeding One Thousand Dollars (\$1,000.00) ~~or,~~ by imprisonment in the State Penitentiary for not exceeding one (1) year, or by both ~~such fine and imprisonment~~. For any subsequent offense, ~~such~~ the person shall be punished by a fine not exceeding Five Thousand Dollars (\$5,000.00) ~~or,~~ by imprisonment in the State Penitentiary for not exceeding three (3) years, or ~~by both such fine and imprisonment~~.

SECTION 42. AMENDATORY 2 O.S. 1991, Section 1301-310, as last amended by Section 38, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (2 O.S. Supp. 2000, Section 1301-310), is amended to read as follows:

Section 1301-310. A. 1. Any person who intentionally, willfully ~~and,~~ maliciously ~~and with intent to do harm shall unlawfully enter,~~ or unlawfully enters upon the lands of another ~~to~~ cut down, injure, remove, or destroy any timber valued at more than Two Hundred Dollars (\$200.00), without the permission of the owner or ~~his~~ the owner's representative shall be guilty, upon conviction, of a felony, punishable by the imposition of a fine of not more than Ten Thousand Dollars (\$10,000.00) ~~or,~~ by imprisonment in the State Penitentiary for not more than five (5) years, or ~~by~~ both.

2. Any person who intentionally, willfully ~~and,~~ maliciously ~~and with intent to do harm shall unlawfully enter,~~ or unlawfully enters upon the lands of another, ~~to~~ cut down, injure, remove, or destroy any timber valued at Two Hundred Dollars (\$200.00) or less, without the permission of the owner or ~~his~~ the owner's representative shall be guilty, upon conviction, of a misdemeanor, punishable by the imposition of a fine of not more than One Thousand Dollars (\$1,000.00) or ~~by~~ imprisonment in the county jail for not more than thirty (30) days.

3. The necessary trimming and removal of timber to permit the construction, repair, maintenance, cleanup, and operations of pipelines and utility lines and appurtenances of public utilities, public service corporations, and to aid registered land surveyors and professional engineers in the performance of their professional services, and municipalities, and pipeline companies, or lawful operators and product purchasers of oil and gas shall not be deemed a willful and intentional cutting down, injuring, removing, or destroying of timber.

4. The necessary trimming and removal of timber for boundary line maintenance, for the construction, maintenance, and repair of streets, roads, and highways or for the control and regulation of traffic ~~thereon~~ by the state and its political subdivisions or registered land surveyors and professional engineers shall not be deemed a willful and intentional cutting down, injuring, removing, or destroying of timber.

B. In addition to the punishment prescribed in subsection A of this section, ~~said~~ the person is liable in damages pursuant to Section 72 of Title 23 of the Oklahoma Statutes for the damage or injury done to ~~such~~ the timber, ~~said~~ the damages to be recovered in a civil action by the owner of the property or the public officer having charge of the property.

SECTION 43. AMENDATORY Section 4, Chapter 238, O.S.L. 1995 (2 O.S. Supp. 2000, Section 1301-310.1), is amended to read as follows:

Section 1301-310.1 A. 1. Any ~~timber owner or person designated in the timber contract, who authorizes~~ involved in a logging or timber harvesting operation shall clearly mark any established property lines which are within one hundred (100) feet of the area to be cut.

2. If there is no established property line, the timber owner authorizing the logging or timber harvesting operation shall send by certified mail, return receipt requested, written notice of the logging or timber harvesting operation to the owner of record in the office of the county assessor or records of the county treasurer of any real property adjoining the cutting area at least ten (10) days prior to the commencement of ~~such~~ the operation.

3. If the timber owner is unable to ascertain the address of the legal residence of the owner of record as recorded in the office of the county assessor or records of the county treasurer of any real property adjoining the cutting area, notice of the logging or

timber harvesting operation shall be given by publication. The notice shall be published once in a newspaper of general circulation in the county in which the operation is to occur specifying the owner of the property and the legal description. The notice shall be published at least ten (10) days prior to commencement of the operation.

B. If the timber owner fails to clearly mark any established property lines or fails to mail or publish any notice to the abutting real property owners as required by this section and, as a result of ~~such~~ that failure, timber is harvested or other damage occurs on any abutting real property without the consent of the owner ~~thereof~~, the timber owner shall be liable in damages pursuant to Section 72 of Title 23 of the Oklahoma Statutes to the owner of the abutting real property.

C. The provisions of this section shall not relieve the owner of the real property on which the timber is located from liability pursuant to Section 72 of Title 23 of the Oklahoma Statutes for failing to clearly mark or mismarking any property lines required by this section.

SECTION 44. AMENDATORY Section 5, Chapter 238, O.S.L. 1995 (2 O.S. Supp. 2000, Section 1301-310.2), is amended to read as follows:

Section 1301-310.2 A. Except as ~~otherwise~~ provided by this section, a timber owner who fails to ensure that the requirements of subsection A of Section ~~4~~ 16-61 of this ~~act~~ title have been fulfilled and who negligently authorizes or directs a logging or timber harvesting operation upon the lands of another, and cuts down, injures, removes, or destroys any timber without the permission of the owner is guilty, upon-conviction, of a misdemeanor, punishable by the imposition of a fine of not more than One Thousand Dollars (\$1,000.00) ~~or~~, by imprisonment in the county

jail for not more than thirty (30) days, or by both ~~such fine and imprisonment.~~

B. Except as ~~otherwise~~ provided by this section any person who negligently enters upon the lands of another and cuts down, injures, removes, or destroys any timber without the permission of the owner is guilty, upon conviction, of a misdemeanor, punishable by the imposition of a fine of not more than One Thousand Dollars (\$1,000.00) ~~or~~, by imprisonment in the county jail for not more than thirty (30) days, or by both ~~such fine and imprisonment.~~

SECTION 45. AMENDATORY Section 6, Chapter 238, O.S.L. 1995, as last amended by Section 39, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (2 O.S. Supp. 2000, Section 1301-310.3), is amended to read as follows:

Section 1301-310.3 A. It shall be unlawful for any person willingly, knowingly, or fraudulently to represent, make, issue, deliver, use or submit, or to participate in representing, making, issuing, delivering, using, or submitting any fictitious, false or fraudulent offer, agreement, contract, or other instrument concerning:

1. The sale of timber or the right to cut or harvest or remove timber from a site or from real property not owned or leased by ~~such~~ that person; or

2. The sale of timber or the right to cut or harvest or remove timber ~~which~~ that is not owned by ~~such~~ that person.

B. Any person convicted of violating the provisions of this section shall be guilty of:

1. A felony if the timber to be sold or right to cut or harvest the timber pursuant to subsection A of this section is valued at more than Two Hundred Dollars (\$200.00). Upon conviction ~~thereon,~~ ~~such~~ the person shall be subject to the imposition of a fine of not more than Ten Thousand Dollars (\$10,000.00), or by imprisonment in

the State Penitentiary for not more than five (5) years, or to both ~~such fine and imprisonment~~; or

2. A misdemeanor if the timber to be sold or right to cut or harvest the timber pursuant to subsection A of this section is valued at Two Hundred Dollars (\$200.00) or less. Upon conviction ~~thereof such~~ the person shall be subject to the imposition of a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail not to exceed one (1) year, or by to both ~~such fine and imprisonment~~.

SECTION 46. AMENDATORY Section 7, Chapter 238, O.S.L. 1995, as amended by Section 1, Chapter 26, O.S.L. 1996 (2 O.S. Supp. 2000, Section 1301-310.4), is amended to read as follows:

Section 1301-310.4 A. Except as ~~otherwise~~ provided by subsection B of this section, any owner or operator of a logging or timber harvesting operation shall maintain at all times during ~~such~~ the operation, for inspection purposes by law enforcement personnel, a written bill of sale, timber deed or timber contract, recording memorandum, or written consent of the timber owner for the timber being harvested.

B. The provisions of subsection A of this section shall not apply to any owner or operator of a logging or timber harvesting operation if a timber deed, written bill of sale or timber contract or written consent, recording or memorandum is recorded in the records of the county clerk of the county in which the timber is harvested or to be harvested.

C. Any deed, written bill of sale, contract, or written consent for logging or timber harvesting operation pursuant to this section shall include:

1. A description of the timber to be removed;
2. The date of execution and expiration of the contract or consent, bill of sale, or deed;

3. The name and address of the timber owner and the timber purchaser; and

4. The legal description of the real property ~~upon which~~ where the timber is harvested.

D. Any written bill of sale, timber deed or timber contract, recording memorandum, or written consent of the timber owner required by subsection A of this section shall be preserved by the owner or operator of a logging or timber harvesting operation for at least a period of three (3) years.

SECTION 47. AMENDATORY Section 8, Chapter 238, O.S.L. 1995, as amended by Section 2, Chapter 26, O.S.L. 1996 (2 O.S. Supp. 2000, Section 1301-310.5), is amended to read as follows:

Section 1301-310.5 A. 1. Except as ~~otherwise~~ provided by this section, it shall be the duty of any sawmill owner or operator or other person purchasing timber for resale, from a timber owner or owner or operator of a logging or timber harvesting operation to obtain from the timber owner or owner or operator of a logging or timber harvesting operation a bill of sale for the same or other evidence of ownership which shall be preserved by the purchaser for a period of three (3) years and shall be available for inspection by law enforcement personnel.

2. The bill of sale shall include:

- a. the name and address of the seller and purchaser,
- b. a legal description of the land from which the timber was harvested,
- c. a description of timber delivered,
- d. the date delivered,
- e. the printed name of the person delivering the timber, and
- f. the date and signature of the person delivering the timber with language declaring ownership of the timber or naming the person to whom the person delivering the timber is an agent.

B. In lieu of the bill of sale required by subsection A of this section, the purchaser may provide for proof of timber ownership through a written purchase contract which provides language declaring ownership of timber delivered for purchase to the purchaser by the timber owner. ~~Such~~ The declaration shall be signed by the timber owner or by a designee pursuant to a written authorization signed by the timber owner. ~~Such~~ The written authorization shall be retained by the designee.

~~C. A violation of this section is a misdemeanor.~~

SECTION 48. AMENDATORY Section 9, Chapter 238, O.S.L. 1995, as last amended by Section 40, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (2 O.S. Supp. 2000, Section 1301-310.6), is amended to read as follows:

Section 1301-310.6 Any person selling timber who uses false or altered identification or a false declaration of ownership, pursuant to the provisions of Section ~~1301-310.5~~ 16-65 of this title, upon conviction ~~thereof~~, shall be guilty of:

1. A felony if the timber to be sold by use of a false or altered identification or false declaration of ownership is valued at more than Two Hundred Dollars (\$200.00). Upon conviction ~~thereon~~, ~~such~~ a person shall be subject to the imposition of a fine of not more than Ten Thousand Dollars (\$10,000.00) ~~or by~~ imprisonment in the State Penitentiary for not more than five (5) years, or both ~~such fine and imprisonment~~; or

2. A misdemeanor if the timber to be sold by use of a false or altered identification or false declaration of ownership is valued at Two Hundred Dollars (\$200.00) or less. Upon conviction, ~~thereof~~ ~~such~~ a person shall be subject to the imposition of a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail not to exceed one (1) year, ~~or by both such imprisonment and fine~~.

SECTION 49. AMENDATORY 2 O.S. 1991, Section 1301-311, is amended to read as follows:

Section 1301-311. A. It shall be the duty of all ~~district, county and~~ forest rangers to distribute in all of the public schools and high schools of the county in which they are serving all ~~such tracts,~~ the books, periodicals, and other literature that may, from time to time, be sent out to ~~such~~ the rangers by the state and federal forestry agencies ~~touching or~~ dealing with forest ~~preservation~~ conservation, development, protection, and ~~forest~~ management.

B. It shall be the duty of the various rangers ~~herein mentioned~~ under the direction of the Director, and the duty of the teachers of the various schools, both public schools and high schools, to post at some conspicuous place in the various classrooms of the school buildings ~~such~~ the appropriate bulletins and posters as may be sent out from the forestry agencies ~~herein named~~ for that purpose ~~and keep the same before their pupils;~~ and ~~said~~ the teachers and rangers may prepare lectures or talks to be made to the pupils of the various schools on the subject of forest fires, their origin and their destructive effect on the plant life and tree life of the forests of the state, the development and scientific management of the forests of the state, and may be prepared to give practical instruction to their pupils ~~from time to time and~~ as often as they may find it possible to do so.

SECTION 50. AMENDATORY 2 O.S. 1991, Section 1301-314, is amended to read as follows:

Section 1301-314. All state forests, all programs in management, nursery production, reforestation, urban forestry, educational activities, and other forestry endeavors of the Forestry Division shall be managed and administered by the State Board of Agriculture in the interest of the public. If the public interests are not already safeguarded and clearly defined by law or by

~~regulations~~ rules adopted by the state agencies authorized by law to administer ~~such~~ the lands, or in the papers formally transferring ~~said~~ the projects to the Board for administration, then, and in that event, the Board may promulgate rules ~~and regulations~~ defining the purpose of ~~said~~ the project.

SECTION 51. AMENDATORY 2 O.S. 1991, Section 1301-315, as amended by Section 1, Chapter 141, O.S.L. 2000 (2 O.S. Supp. 2000, Section 1301-315), is amended to read as follows:

Section 1301-315. A. The purpose of this section is to encourage landowners and lessees to make available land, water areas, park areas and lake reservations for outdoor recreational purposes by limiting their liability to persons going ~~thereon~~ upon and to third persons who may be damaged by the acts or omissions of persons going ~~thereon~~ upon these lands. As used in this section, the term "area" includes any water area and any park area. As used in this section, the term "land" includes but is not limited to lake reservations.

B. 1. An owner or lessee who provides the public with land, a water or park area, or lake reservation for outdoor recreational purposes owes no duty of care to keep the land or area safe for entry or use by others, or to give warning to persons entering or going on the land or area of any hazardous conditions, structures, or activities ~~thereon~~. An owner or lessee who provides the public with land or area for outdoor recreational purposes shall not:

- a. be presumed to extend any assurance that the land or area is safe for any purpose,
- b. incur any duty of care toward a person who goes on the land or area, or
- c. become liable or responsible for any injury to persons or property caused by the act or omission of a person who goes on the land or area.

2. This subsection applies whether the person going on the land or area is an invitee, licensee, trespasser, or otherwise, notwithstanding any other section of law.

C. This section shall not apply if there is any charge made or usually made for entering or using any part of the land or area, ~~or any part thereof,~~ or if any commercial or other activity for profit directly related to the use is conducted on any part of the land or area. As used in this subsection, the term "charge" shall mean the admission price or fee asked in return for invitation or permission to enter or go upon the land or area. As used in this subsection, the term "charge" shall not include a license or permit fee imposed by a governmental entity for the purpose of regulating the use of land, a water or park area, or lake reservation and shall not include hunting, fishing, boating, and other license and permit fees.

D. 1. An owner of land, a water or park area, or lake reservation leased to the state or other public entity for outdoor recreational purposes owes no duty of care to keep the land or area safe for entry or use by others, or to give warning to persons entering or going on the land or area of any hazardous conditions, structures, or activities ~~thereon~~. Any owner or lessee who leases or subleases land, a water or park area, or lake reservation to the state or other public entity for outdoor recreational purposes shall not:

- a. be presumed to extend any assurance that the land or area is safe for any purpose,
- b. incur any duty of care toward a person who goes on the leased land or area, or
- c. become liable or responsible for any injury to persons or property caused by the act or omission of a person who goes on the leased land or area.

2. This subsection applies whether the person going on the leased land or area is an invitee, licensee, trespasser, or otherwise, notwithstanding any other section of law.

E. 1. Except as ~~otherwise~~ provided in this section, no person is relieved of liability which would ~~otherwise~~ exist for want of ordinary care or for deliberate, willful, or malicious injury to persons or property. The provisions ~~hereof~~ shall not be deemed to create or increase the liability of any person.

2. This section shall not relieve any owner or lessee of any liability for the operation and maintenance of structures affixed to real property by the owner or lessee for use by the general public.

F. The term "outdoor recreational purposes" as used in this section includes, but is not limited to, hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, jogging, cycling, other sporting events and activities, nature study, water skiing, jet skiing, and visiting historical, archaeological, scenic, or scientific sites.

G. By entering or using land, a water or park area, or lake reservation no person shall be deemed to be acting as an employee or agent of the owner or lessee whether the entry or use is with or without the knowledge or consent of the owner or lessee.

SECTION 52. AMENDATORY 2 O.S. 1991, Section 1301-316, is amended to read as follows:

Section 1301-316. The Department of Agriculture is ~~hereby~~ directed to expand the present statewide fire protection program and is ~~hereby~~ authorized to acquire federal excess property for the support and operation of fire departments and fire districts.

SECTION 53. AMENDATORY Section 1, Chapter 393, O.S.L. 1998 (2 O.S. Supp. 2000, Section 1301-501), is amended to read as follows:

Section 1301-501. There is ~~hereby~~ created in the State Treasury a revolving fund for the Oklahoma Department of Agriculture to be

designated the "Volunteer Firefighter Employer Contribution Payment Revolving Fund". The revolving fund shall be subject to legislative appropriation and shall consist of all monies transferred to ~~such~~ the fund ~~pursuant to Section 2 of this act~~ and any other monies designated for deposit to this revolving fund pursuant to law.

SECTION 54. AMENDATORY Section 1, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.1), is amended to read as follows:

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

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

SECTION 55. AMENDATORY Section 2, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.2), is amended to read as follows:

Section 1850.2 As used in the Oklahoma Sorghum Resources Act:

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

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

3. "Commission" means the Oklahoma Sorghum Commission;

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

5. "First purchaser" is any person, ~~public or private~~ ~~corporation, association or partnership~~ buying or otherwise acquiring after harvest the property in or to sorghum from a sorghum producer. A mortgagee, pledgee, ~~lienee~~ lienholder, or other person, ~~public or private~~, having a claim against the sorghum producer under a nonrecourse loan made against the sorghum after harvest ~~thereof~~

shall be ~~deemed~~ a purchaser ~~hereunder~~. The term "first purchaser" shall not include a harvesting or threshing lienee;

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

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

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

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

SECTION 56. AMENDATORY Section 3, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.3), is amended to read as follows:

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

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

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

2. The President of the State Board of Agriculture shall be an ex officio nonvoting member of the Commission. The President may

appoint a designee to serve on the Commission in the place of the President.

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

1. District 1 shall consist of Cimarron County;

2. District 2 shall consist of Texas County;

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

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

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

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

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

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

2. If for any reason there is a vacancy on the Commission due to resignation, death, or for any cause resulting in an unexpired term, the Commission may name a person to serve as a provisional member of the Commission for the remainder of the term of the office ~~se~~ vacated. The Commission shall submit, in writing, the name of ~~such~~ the person to the President for approval. The President shall either approve or disapprove the named person as a provisional member of the Commission within thirty (30) days of the submission of the name by the Commission. The failure of the President to disapprove the person named as the provisional member of the Commission within the thirty-day period shall be deemed approval of the person as the provisional member of the Commission.

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

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

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

1. Be a resident of the state; or

2. Produce or plant sorghum in the district from which ~~such~~ the member was elected, shall be ~~deemed~~ sufficient cause for removal from office.

SECTION 57. AMENDATORY Section 4, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.4), is amended to read as follows:

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

1. Elect Commission officers to provide leadership and organization;
2. Call and conduct ~~such~~ meetings as ~~may be~~ necessary in carrying out the provisions of the Oklahoma Sorghum Resources Act;
3. Formulate basic objectives and the general policies and programs of the State of Oklahoma respecting the discovery, promotion, and development of markets and industries for the utilization of sorghum;
4. Approve financial matters;
5. Maintain and enforce provisions of the Oklahoma Sorghum Resources Act;
6. Promulgate rules as are necessary to promptly and effectively administer the provisions of the Oklahoma Sorghum Resources Act;
7. Conduct assessment referenda pursuant to Section ~~12~~ 18-72 of this ~~act~~ title;
8. Conduct programs consistent with the Oklahoma Sorghum Resources Act;
9. Develop bylaws for the due and orderly administration of the affairs of the Commission and for its responsibilities specified pursuant to the provisions of the Oklahoma Sorghum Resources Act;
10. Advise, consult, and cooperate with agencies of this state and its political subdivisions ~~thereof~~, other states, the federal government, and with affected groups;

11. Collect and disseminate information relating to sorghum production;

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

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

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

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

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

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

B. In addition, the Commission shall:

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

2. Not later than forty-five (45) days after the last day of the fiscal year, submit to the President of the State Board of Agriculture a report itemizing all income and expenditures and describing all activities of the Commission during the fiscal year;

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

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

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

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

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

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

SECTION 58. AMENDATORY Section 5, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.5), is amended to read as follows:

Section 1850.5 A. Except for the ex officio member, each member of the Oklahoma Sorghum Commission shall be elected by the sorghum producers in the district that the member represents. Each

member will represent the district in which ~~such~~ the member resides and produces sorghum.

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

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

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

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

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

D. 1. Each sorghum producer in the district who is actively engaged in the production of sorghum in commercial quantities in the current fiscal year of the calling of the election shall be entitled to vote in any ~~such~~ election. The Department shall determine any questions of eligibility to vote in the initial election.

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

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

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

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

F. 1. For the initial election, the President shall approve the form of the ballot, and thereafter the Commission shall prepare the ballot.

2. Ballots shall be prepared and distributed in advance of the election.

3. The election ballot shall be printed with the names of candidates who have filed valid petitions and applications pursuant to this section. In addition, the ballot shall provide a space for write-in candidates.

4. Each ballot shall clearly state any voter eligibility requirements.

5. The ballot shall require the signature and place of residence of the sorghum producer voting in the election.

6. All prepared ballots shall be mailed or delivered in person to a location or locations designated by the Department for the initial election and by the Commission for elections held thereafter.

7. Rules promulgated by the State Board of Agriculture for the initial election, and by the Commission thereafter, shall be promulgated pursuant to ~~Article I~~ of the Administrative Procedures Act. The rules shall include, but not be limited to:

- a. instructions to voters,
- b. conduct of elections,
- c. in-person absentee ballots or special write-in absentee ballots,
- d. balloting in-person locations and a central location for mail-in ballots,
- e. hours for voting,
- f. write-in votes for any eligible person whose name is not printed on the ballot,
- g. canvassing and reporting of returns, and
- h. ~~such~~ other information deemed necessary by the Commission.

G. 1. Ballots in all propositions and elections will be counted by a committee consisting of a representative of the Oklahoma Cooperative Extension Service, a representative of the Oklahoma Sorghum Commission, and a representative designated by the State Department of Agriculture.

2. The candidate receiving the largest number of votes cast in the district election shall be ~~deemed to have been~~ elected to office. In case of a tie vote, the President will cast the tie-breaking vote.

3. In all elections, results will be certified to the President for verification.

4. All ballots shall be locked in a container and stored in the county clerk's office in the county designated by the President. If no contests or investigations arise out of the election within thirty (30) days after the day of ~~such~~ the election, the ballots may be destroyed by the office of the county clerk by shredding or burning after notification to the President and the Commission of the proposed destruction.

5. Any contest of the election or investigation shall be filed in district court in any county in the district holding the election within thirty (30) days after the day the ballots are counted.

6. In any case, if a recount is allowed by the district court, the court shall have the power to impound the locked ballot boxes and appoint a new canvassing committee consisting of three new representatives from the same background as the original canvassing committee.

SECTION 59. AMENDATORY Section 6, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.6), is amended to read as follows:

Section 1850.6 A. Beginning ninety (90) days after the election of the initial Commission, there is hereby assessed a fee of one cent (\$0.01) per bushel ~~or one and three quarters cent (\$0.0175) per hundred weight~~ upon all sorghum marketed by sorghum producers in this state and sold or handled through commercial channels. The fee shall be assessed and imposed upon the sorghum producer at the time of sale or delivery and shall be collected and remitted by the first purchaser to the Commission. Pursuant to the provisions of this act, no sorghum shall be subject to assessment of a fee more than once.

B. 1. The first purchaser shall collect the assessment by deducting the appropriate amount from the purchase price of the sorghum or from any funds advanced for that purpose.

2. The Commission, by registered or certified mail, shall notify each first purchaser of the duty to collect the assessment, the manner in which the assessment is to be collected, and the date on or after which the first purchaser is to begin collecting the assessment.

3. The amount of the assessment collected shall be clearly shown on the sales invoice or other document evidencing the transaction. The first purchaser shall furnish a copy of the document to the sorghum producer.

4. The Commission shall establish, by rule, the procedures for the collection and remittance of the assessment.

SECTION 60. AMENDATORY Section 7, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.7), is amended to read as follows:

Section 1850.7 A. The first purchaser shall render and have on file a report along with remittance of the fees collected pursuant to the Oklahoma Sorghum Resources Act on the fifteenth of each calendar quarter. The report shall include the total amount of fees assessed by the first purchaser, the total amount of sorghum purchased and ~~such~~ other information as may be required by the Commission.

B. If the first purchaser fails to make a report and remittance as required by the Oklahoma Sorghum Resources Act, the Commission shall determine the amount collected and owed by the first purchaser, which shall be prima facie correct. Any first purchaser having failed to make the report as required by the Oklahoma Sorghum Resources Act shall, within ten (10) days after notice of the computed collection amount established by the Commission is mailed to ~~such~~ the first purchaser, pay the computed collection amount, together with a penalty of five percent (5%) of the computed collection amount. The first purchaser may dispute the computed collection amount established by the Commission and request the

Commission to hold a hearing to redetermine the amount of the computed collection and the penalty to be imposed. No payment shall be made until the Commission enters its order determining the amount of ~~such~~ payment. The payment of the determined collection amount and penalty shall be paid within ten (10) days of notice of ~~such~~ the decision.

C. At any time the State Department of Agriculture may request an audit of the first purchaser to determine whether the collection and proper disposition of the collected assessment were made pursuant to the provisions of the Oklahoma Sorghum Resources Act and rules promulgated ~~thereto~~ under this act.

D. The first purchaser shall retain any records or reports relating to the collection of the assessment for at least three (3) years.

SECTION 61. AMENDATORY Section 8, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.8), is amended to read as follows:

Section 1850.8 A. The chair of the Commission shall make an annual report to the Secretary of Agriculture, within forty-five (45) days after June 30 of each year, showing in detail all income and expenditures and any other facts relevant to the Oklahoma Sorghum Resources Act. ~~Such~~ The annual report shall include a list of all officers and any employees of the Commission and shall indicate the official positions of ~~such~~ officers and any employees and salaries paid ~~thereto~~.

B. The report shall be available to the public. A copy shall be sent upon request to any producer upon whom the assessment is assessed.

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

SECTION 62. AMENDATORY Section 9, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.9), is amended to read as follows:

Section 1850.9 A. Any sorghum producer subject to the assessment provided in Section ~~6~~ 18-66 of this ~~act~~ title may request a refund of the fees so assessed, within sixty (60) days following the collection of the fee. Any sorghum producer requesting a refund shall make application to the Commission for the refund of ~~such~~ the assessment. Along with the application, the sorghum producer shall submit the evidence of payment of the fee and of the amount of sorghum sold required by the Commission. The Commission may verify the accuracy of the request for the refund.

B. Upon receipt of the application for a refund and evidence required, the Commission shall refund the amount of the assessment owed to the producer within thirty (30) days of the date the refund request was received and the Commission received payment from the first purchaser.

SECTION 63. AMENDATORY Section 10, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.10), is amended to read as follows:

Section 1850.10 A. There is ~~hereby~~ created the Oklahoma Sorghum Resources Fund. The Oklahoma Sorghum Resources Fund shall be administered by the Oklahoma Sorghum Commission for the benefit of the sorghum producers in this state for the purposes specified by the Oklahoma Sorghum Resources Act. The Oklahoma Sorghum Resources Fund shall be established and maintained in a bank or other depository as approved by the Commission and the President.

B. The Oklahoma Sorghum Resources Fund shall consist of:

1. All monies received by the Commission as proceeds from the assessment imposed pursuant to Section ~~6~~ 18-66 of this ~~act~~ title;

2. Interest attributable to investment of money in the Oklahoma Sorghum Resources Fund; and

3. Monies received by the Commission in the form of gifts, grants, reimbursements, or from any other source designated by law for deposit to the Oklahoma Sorghum Resources Fund.

C. Any costs incurred by the Commission pursuant to the provisions of the Oklahoma Sorghum Resources Act shall not exceed the actual collections of the Commission.

D. Monies in the Oklahoma Sorghum Resources Fund shall only be expended for:

1. Implementation and management of the Oklahoma Sorghum Resources Act; and

2. Costs incurred by the Commission and the State Board of Agriculture for the administration of the Oklahoma Sorghum Resources Act.

SECTION 64. AMENDATORY Section 11, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.11), is amended to read as follows:

Section 1850.11 Upon the approval of the State Treasurer, any of the monies in the Oklahoma Sorghum Resources Fund may be invested by the Commission in securities of the state or federal government, certificates of deposit or certificates of any bank, trust company, or savings and loan association insured by a federal agency. The principal and interest when due shall be paid into the Oklahoma Sorghum Resources Fund.

SECTION 65. AMENDATORY Section 12, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1850.12), is amended to read as follows:

Section 1850.12 A. Sorghum producers may petition for a referendum to determine if the assessment is to be continued, at any time after five (5) years following November 1, 1997. The President of the State Board of Agriculture shall call and conduct a referendum if the petitions bear signatures of ten percent (10%) of the sorghum producers. No more than one ~~such~~ referendum shall be

conducted in any one thirty-six-month period. The State Department of Agriculture shall determine if the petition bears the required number of valid signatures. The President shall announce the referendum at least thirty (30) days prior to the day of voting. At least thirty (30) days before the referendum, the Department shall mail a notice of ~~said~~ the referendum to all known sorghum producers in the State of Oklahoma who market sorghum in commercial quantities. The notice shall specify the dates, times, and places for holding the referendum, and shall include a sample ballot with the following wording:

DO YOU FAVOR A CONTINUATION OF THE ONE CENT (\$0.01) PER BUSHEL
~~OR ONE AND THREE-QUARTERS CENT (\$0.0175) PER HUNDRED WEIGHT~~
ASSESSMENT ON SORGHUM MARKETED IN OKLAHOMA FOR UTILIZATION,
RESEARCH, EDUCATION, PROMOTION, AND MARKET DEVELOPMENT?

YES ()

NO ()

B. Places within each county for conducting ~~said~~ the referendum shall be designated by the Commission, and voting in each county shall be supervised by the county agricultural extension agent, or person designated by the Department. The Commission shall ensure sufficient ballots and supplies necessary for the conduct of the voting and tabulation of returns. Certified results of the referendum in each district shall be transmitted within twenty-four (24) hours after voting ends to the President, and the ballots shall be transmitted to the President within forty-eight (48) hours. Ballots shall be preserved by the President for a period of at least three (3) months.

C. 1. The results of the referendum shall be determined by the President, and the results certified to the Chair of the Commission who shall issue a proclamation declaring the results.

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

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

SECTION 66. RECODIFICATION 2 O.S. 1991, Sections 743 and 748, as amended by Sections 1 and 2 of this act, shall be recodified as Sections 16-29 and 16-40 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Sections 1301-101, 1301-102 and 1301-103, as last amended by Sections 3, 4 and 5 of this act, shall be recodified as Sections 16-1, 16-2 and 16-3 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Sections 1301-104, 1301-105, Section 1, Chapter 300, O.S.L. 1998 (2 O.S. Supp. 2000, Section 13-105.1) and 13-106, as amended by Sections 6, 7, 8 and 9 of this act, shall be recodified as Sections 16-4, 16-5, 16-6 and 16-7 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Section 1301-107, as last amended by Section 10 of this act, shall be recodified as Section 16-8 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Section 1301-108, as amended by Section 11 of this act, shall be recodified as Section 16-9 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; Sections 1, 2, 3 and 4, Chapter 19, O.S.L. 1996 (2 O.S. Supp. 2000, Sections 1301-109, 1301-110, 1301-111 and 1301-112), as amended by Sections 12, 13, 14 and 15 of this act, shall be recodified as Sections 16-10, 16-11, 16-12 and 16-13 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Sections 1301-201, 1301-202, 1301-203 and 1301-204, as amended by Sections 16, 17, 18 and 19 of this act, shall be recodified as Sections 16-21, 16-22, 16-23 and

16-24 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Section 1301-205, as last amended by Section 20 of this act, shall be recodified as Section 16-25 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Sections 1301-206 and 1301-207, as amended by Sections 21 and 22 of this act, shall be recodified as Sections 16-26 and 16-27 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Section 1301-208, as last amended by Section 23 of this act, shall be recodified as Section 16-28 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Sections 1301-209, 1301-210, 1301-212 and 1301-213, as amended by Sections 24, 25, 26 and 27 of this act, shall be recodified as Sections 16-30, 16-31, 16-32 and 16-33 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Section 1301-214, as last amended by Section 28 of this act, shall be recodified as Section 16-34 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Sections 1301-215, 1301-216, 1301-217, 1301-218, as amended by Sections 29, 30, 31 and 32 of this act, shall be recodified as 16-35, 16-36, 16-37 and 16-38 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S.1991, Section 1301-219 shall be recodified as Section 16-39 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S.1991, Sections 1301-301, 1301-302, 1301-303, 1301-304, 1301-305, 1301-306, 1301-307 and 1301-308, as amended by Sections 33, 34, 35, 36, 37, 38, 39 and 40 of this act, shall be recodified as Sections 16-51, 16-52, 16-53, 16-54, 16-55, 16-56, 16-57 and 16-58 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Sections 1301-309 and 1301-310, as last amended by Sections 41 and 42 of this act, shall be recodified as Sections 16-59 and 16-60 of Title 2 of the

Oklahoma Statutes, unless there is created a duplication in numbering; Sections 4 and 5, Chapter 238, O.S.L. 1995 (2 O.S. Supp. 2000, Sections 1301-310.1 and 1301-310.2) as amended by Sections 43 and 44 of this act, shall be recodified as Sections 16-61 and 16-62 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; Sections 6, 7, 8 and 9, Chapter 238, O.S.L. 1995 (2 O.S. Supp. 2000, Sections 1301-310.3, 1301-310.4, 1301-310.5 and 1301-310.6), as last amended by Sections 45, 46, 47 and 48 of this act, shall be recodified as Sections 16-63, 16-64, 16-65 and 16-66 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Sections 1301-311 and 1301-314, as amended by Sections 49 and 50 of this act, shall be recodified as Sections 16-67 and 16-70 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Sections 1301-312 and 1301-313 of Title 2 shall be recodified as Sections 16-68 and 16-69 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Section 1301-315, as last amended by Section 51 of this act, shall be recodified as Section 16-71 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; 2 O.S. 1991, Section 1301-316, as amended by Section 52 of this act, shall be recodified as Section 16-72 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; Section 1, Chapter 393, O.S.L. 1998 as amended by Section 4, Chapter 231, O.S.L. 1999 (2 O.S. Supp. 2000, Section 1301-501), as amended by Section 53 of this act, shall be recodified as Section 16-81 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; Section 3, Chapter 393, O.S.L. 1998 (2 O.S. Supp. 2000, Section 1301-502) shall be recodified as Section 16-82 of Title 2 of the Oklahoma Statutes, unless there is created a duplication in numbering; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Chapter 151, O.S.L. 1997 (2 O.S. Supp. 2000, Sections

1850.1, 1850.2, 1850.3, 1850.4, 1850.5, 1850.6, 1850.7, 1850.8, 1850.9, 1850.10, 1850.11 and 1850.12), as amended by Sections 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64 and 65 of this act, shall be recodified as Sections 18-240, 18-241, 18-242, 18-243, 18-244, 18-245, 18-246, 18-247, 18-248, 18-249, 18-250 and 18-251 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 67. REPEALER 2 O.S. 1991, Sections 741, 742, 744, 745, 746, 747, 1301-211 and 1301-403, are hereby repealed.

SECTION 68. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

48-1-331

JT

6/12/2015 11:14:43 AM