

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2219:

Maddux

AS INTRODUCED

An Act relating to agriculture; creating the Oklahoma Grape Resources and Wine Production Act; specifying purpose; defining terms; creating the Oklahoma Grape and Wine Commission; providing for qualifications and composition; establishing districts; setting terms of office; providing for vacancies, meetings and quorum; providing for certain powers, duties and responsibilities; providing for certain meetings and officers; providing for initial and subsequent elections; providing for petitions and applications; providing for eligibility; providing for procedures; providing for payment of reasonable election expenses; requiring rules; providing for ballots; requiring certified results; authorizing destruction of ballots; providing for contests and investigations; providing for reimbursement; providing for certain assessments; providing procedures; providing for uses of funds; requiring certain reports; creating the Oklahoma Grape and Wine Fund; providing for expenditures and deposits; allowing certain investments; providing for administrative penalties; providing for enforcement and equitable relief; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18-350.1 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. This subarticle shall be known and may be cited as the "Oklahoma Grape Resources and Wine Production Act".

B. The purpose of the Oklahoma Grape Resources and Wine Production Act shall be to develop programs that will enhance grape and wine production, grape and wine research, promoting market development and education, improving profitability of Oklahoma grape

and wine products, providing for rural economic development and rural cultural preservation, and increasing and improving Oklahoma tourism relating to the grape and wine industry.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18-350.2 of Title 2, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Grape Resources and Wine Production Act:

1. "Commercial channels" means any person, public or private corporation, association or partnership which:
 - a. sells, through monetary exchange or barter, grapes grown in Oklahoma or another state for the purpose of producing wine or grape juice,
 - b. sells, through monetary exchange or barter, wine manufactured in another state for Oklahoma distribution entities to resell, or
 - c. sells, through monetary exchange or barter, wine or grape juice manufactured in the State of Oklahoma;
2. "Commission" means the Oklahoma Grape and Wine Commission;
3. "Department" means the Oklahoma Department of Agriculture, Food, and Forestry;
4. "First purchaser" means any person, public or private corporation, association or partnership which:
 - a. buys or otherwise acquires, through monetary exchange or barter, grapes from a grapes producer or grapes seller in Oklahoma or another state for the purpose of making wine or grape juice,
 - b. buys or otherwise acquires, through monetary exchange or barter, wine from a nonresident wine seller or an in-state wine seller of wine manufactured in another state for Oklahoma distribution entities to resell, or
 - c. buys or otherwise acquires, through monetary exchange or barter, grape juice, wine or bulk wine from another

state for the purpose of manufacturing wine or grape juice within the State of Oklahoma;

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

6. "President" means the President of the State Board of Agriculture; and

7. "Grapes producer, or grape juice or wine manufacturer" means a person engaged in the production of grapes, grape juice or wine, and who markets grapes, grape juice or wine for resale.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18-350.3 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. There is created until July 1, 2010, in accordance with the provisions of the Oklahoma Sunset Law, the Oklahoma Grape and Wine Commission.

B. 1. With the exception of the members appointed by the Governor pursuant to paragraph 2 of this subsection, the Commission shall be composed of nine (9) 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 grapes, grape juice or wine in this state for a period of at least three (3) years, and
- c. derive a portion of their income from the production of grapes, grape juice or wine.

2. a. The following membership positions shall be appointed by the Governor:

- (1) one member representing the Oklahoma Department of Commerce who shall be an ex officio member of the Commission,

(2) one member employed by the Oklahoma Department of Agriculture, Food, and Forestry who shall be an ex officio member of the Commission, and

(3) one member employed by an institution of higher education with experience in the production of grapes, grape juice or wine who shall be an ex officio member of the Commission.

b. The terms of the members appointed by the Governor shall be coterminous with that of the Governor. The initial members appointed by the Governor shall be appointed by the Governor on or before August 1, 2004.

c. Oklahoma grapes, grape juice and wine organizations may submit names of individuals to the Governor for appointment to the Commission.

C. 1. Each of the elected members shall be a resident of, have grapes production or grape juice or wine operation in, and be elected by grapes producers, grape juice or wine manufacturers within a district area designated by this subsection as District 1 through District 3. Two members shall be elected from each district. The districts shall be as follows:

a. District 1 shall consist of the areas within the state which lie west of Interstate Highway 35 and shall nominate two members,

b. District 2 shall consist of the areas within the state which lie east of Interstate Highway 35 and west of State Highway 75 south to its intersection with State Highway 69, and west of State Highway 69 to its border with Texas and shall nominate two members, and

c. District 3 shall consist of areas within the state which lie east of State Highway 75 south to its intersection with State Highway 69, and east of State

Highway 69 to its border with Texas and shall nominate two members.

2. a. The terms of office of the initial elected Commission shall be as follows:

- (1) two (2) years for District 1,
- (2) three (3) years for District 2, and
- (3) four (4) years for District 3.

b. Thereafter the term of office for elected members shall be for four (4) years.

3. An elected member of the Commission may only serve for two full four-year terms.

D. The President of the State Board of Agriculture shall call the first meeting of the Commission within thirty (30) days following the last election for determination of membership.

E. 1. 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 qualified person to serve as a provisional member of the Commission for the remainder of the term of the office vacated without an additional election.

2. The Commission shall submit, in writing, the name of the person to the Governor for approval. The Governor 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.

3. The failure of the Governor 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.

F. 1. The Commission shall meet at least once every calendar quarter. The Commission shall elect, 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 Commission shall

elect a chair, vice-chair and secretary-treasurer for the ensuing year. In addition, at the first meeting of the fiscal year, the Commission shall discuss any new policy and review policies of the Commission, provide for public input, recommend changes for implementation and modification of the Oklahoma Grape Resources and Wine Production Act.

2. All of the meetings of the Commission shall be held within Oklahoma, as necessary, at a place and time to be fixed by the Commission. Special meetings may be called by the chair or by five members of the Commission by delivery of written notice to each member of the Commission.

3. Five members of the Commission shall constitute a quorum.

G. Except as otherwise provided by this subsection, 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 Grape Resources and Wine Production Act. Members shall not be reimbursed for any expenses for travel outside the boundaries of the United States.

H. Any member of the Commission may be removed for cause by a two-thirds (2/3) vote of the other members of the Commission. In addition to all other causes, a member ceasing to comply with the qualifications for membership required by this section shall be sufficient cause for removal from office.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18-350.4 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. Pursuant to the Oklahoma Grape Resources and Wine Production Act, the Oklahoma Grape and Wine Commission shall have the power and duty to:

1. Elect officers to provide leadership and organization;

2. Call and conduct meetings as necessary in carrying out the provisions of the Oklahoma Grape Resources and Wine Production Act;

3. Formulate basic objectives and the general policies and programs of the State of Oklahoma respecting the discovery, promotion, development of markets and industries for the utilization of grapes, grape juice or wine, providing for rural economic development and rural cultural preservation, and increasing and improving Oklahoma tourism relating to the grape and wine industry;

4. Develop and approve a budget and other financial matters;

5. Maintain and enforce provisions of the Oklahoma Grape Resources and Wine Production Act;

6. Adopt, modify, repeal, promulgate, and enforce rules implementing or effectuating the powers and duties of the Commission pursuant to the provisions of the Oklahoma Grape Resources and Wine Production Act;

7. Provide for and assess administrative penalties pursuant to the provisions of the Oklahoma Grape Resources and Wine Production Act;

8. Provide for the collection of the assessment levied pursuant to the provisions of the Oklahoma Grape Resources and Wine Production Act including, but not limited to, procedures for collection and refund of the assessment. The Commission shall promulgate rules for any refund of the assessment deemed necessary by the Commission;

9. Institute or cause to be instituted any necessary legal proceedings in any court of competent jurisdiction for an injunction or other appropriate relief to enforce the provisions of the Oklahoma Grape Resources and Wine Production Act;

10. Conduct a campaign of viticulture and enology research, promotion of Oklahoma wine and Oklahoma grape products, Oklahoma agritourism and education;

11. Find new markets for Oklahoma grapes, for wine made in Oklahoma by Oklahoma wine makers, and for Oklahoma-grown grape and wine products;

12. Accept and apply for grants and donations;

13. Sue and be sued;

14. Appoint an Executive Director and such other personnel as are needed and to prescribe their duties and fix their compensation;

15. Conduct programs consistent with the Oklahoma Grape Resources and Wine Production Act;

16. 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 Grape Resources and Wine Production Act;

17. Advise, consult, and cooperate with agencies of this state and its political subdivisions, other states, the federal government, and with affected groups;

18. Collect and disseminate information relating to grapes, grape juice and wine production;

19. Contract with agencies of this state and its political subdivisions, other states, the federal government, and other organizations or persons to comply and fulfill its mission pursuant to the provisions of the Oklahoma Grape Resources and Wine Production Act;

20. Hold public hearings for any purposes consistent with the provisions of the Oklahoma Grape Resources and Wine Production Act;

21. Identify and coordinate industry-wide programs for grapes, grape juice and wine production resources, grapes, grape juice and wine market development, grapes, grape juice and wine promotion, tourism and rural economic development and rural cultural preservation, and education relating to grapes, grape juice and wine;

22. Seek information from grapes producers, grape juice and wine manufacturers and users for purposes of planning and prioritizing expenditures of Commission funds;

23. Protect or represent the best interests of the grapes producers, and grape juice and wine industry; conduct production, utilization, and policy research that affects the grapes producers, and grape juice and wine industry and benefits manufacturers' 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 grapes, grape juice and wine; and

24. Take any other actions deemed necessary by the Commission to implement the provisions of the Oklahoma Grape Resources and Wine Production 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 Secretary 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 Secretary 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 Grape Resources and Wine Production Act as trust funds of the Commission.

C. Any funds received by the Commission pursuant to the provisions of the Oklahoma Grape Resources and Wine Production 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 officeholders, 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 grapes producer, grape juice or wine manufacturer or other person for actions or omissions taken pursuant to the Oklahoma Grape Resources and Wine Production Act 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 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18-350.5 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. Except for the appointed members, each member of the Oklahoma Grape and Wine Commission shall be elected by the grapes producers, and the grape juice and wine manufacturers in the district that the member represents. Each member will represent the district in which the member resides and produces grapes or manufactures grape juice or wine.

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

C. 1. A grapes producer, or grape juice or wine manufacturer who desires to be a candidate for the Commission shall file a petition signed by the potential candidate and at least ten grapes

producers, grape juice or wine manufacturers in the district with the Oklahoma Department of Agriculture, Food, and Forestry 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.
 - a. The election shall be preceded by at least thirty (30) days' notice published in one or more newspapers published and distributed in the established election districts.
 - b. 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 thereafter deemed necessary by the Commission to inform grapes producers, grape juice and wine manufacturers of the election.
 - c. 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 grapes producer and wine and grape juice manufacturer location within the district in which the election is to be held.

D. 1. Each grapes producer, grape juice or wine manufacturer in the district who is actively engaged in the commercial production of grapes, grape juice or wine in the current fiscal year of the calling of the election shall be entitled to vote in any election. The Department shall determine any questions of eligibility, by rule, to vote in the initial election. Thereafter, the Commission shall determine questions of eligibility to vote.

2. It shall be the responsibility of each grapes producer, grape juice or wine manufacturer to prove eligibility to vote.

E. The initial elections shall be held by August 1, 2004. The Department shall bear all reasonable expenses incurred in conducting the election of the initial Commission. All 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 initial elections, the President shall prepare and approve the form of the ballot, and thereafter the Commission shall prepare and approve the ballot.

2. Ballots shall be prepared and distributed at least fifteen (15) days in advance of the elections.

3. The election ballots shall be printed with the names of candidates who have filed valid petitions and applications pursuant to this section.

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

5. The ballot shall require the signature and place of residence of the grapes producer, and grape juice or wine manufacturer voting in the election.

6. For the initial election, all prepared ballots shall be mailed or delivered by the Department in person to the county election boards in the districts in which the elections are to be

held. Thereafter, the Commission shall determine the location of obtaining ballots.

7. Rules promulgated by the State Board of Agriculture for the initial elections, 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,
- d. a central location for mail-in ballots,
- e. canvassing and reporting of returns, and
- f. other information deemed necessary by the Department for the initial election and thereafter by the Commission.

8. Ballots must be postmarked no later than the date of the election.

G. 1. Ballots in all elections will be counted by a committee consisting of the Secretary of Commerce and Tourism or designee, a representative designated by the Oklahoma Department of Agriculture, Food, and Forestry, the Secretary of Agriculture for the initial election and a representative of the Oklahoma Grape and Wine Commission following election of the initial Commission.

2. The two candidates receiving the largest number of votes cast in the district election shall be elected to office. In case of a tie vote, the Secretary of Agriculture will cast the tie-breaking vote.

3. In all elections, results will be certified to the Secretary of Agriculture for verification for the initial election and thereafter to members of the Commission.

4. Any contest of the election or investigation arising out of the election shall be submitted in writing to the Department within

thirty (30) days after the day the ballots are counted. An investigation shall be conducted by the Department.

5. The investigation and its findings shall be based upon, but not limited to, fraud, improper signatures, and misstated volumes of production.

6. If no contests or investigations arise out of the election, the Department shall destroy all ballots by shredding or burning and notify the organization by mail.

H. The Department for the initial election, and thereafter the Commission, shall maintain a list of qualified voters pursuant to the provisions of the Oklahoma Grape Resources and Wine Production Act.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18-350.6 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. 1. Beginning ninety (90) days after the election of the initial Oklahoma Grape and Wine Commission, at every sale or barter of grapes in commercial channels, there is hereby assessed a fee of Fifteen Dollars (\$15.00) per ton of grapes sold or bartered in Oklahoma in commercial channels whether grown in Oklahoma or in another state. The fee shall be assessed against the grapes producer or grapes seller at the time of sale or barter of the grapes. The assessment shall be collected by the first purchaser and shall be shown as a deduction by the first purchaser from the price paid or bartered in settlement to the grapes producer or grape seller whether the grapes were grown in Oklahoma or in another state.

2. Upon the sale or barter of a gallon of bottled wine or grape juice sold by an in-state or nonresident wine seller to an Oklahoma licensed distributor, there is hereby assessed a fee of ten cents (\$0.10) per gallon whether the wine or grape juice was manufactured in Oklahoma or another state. Such assessment shall be assessed

against the in-state or nonresident wine seller as the first purchaser of bottled wine manufactured in another state.

3. Upon the sale or barter of a gallon of bulk wine or grape juice manufactured by an Oklahoma licensed wine or grape juice manufacturer, there is hereby assessed a fee of ten cents (\$0.10) per gallon of wine or grape juice, whether the wine or grape juice was manufactured in Oklahoma or another state. The fee shall be assessed against the Oklahoma licensed wine or grape juice manufacturer as the first purchaser of bulk wine or grape juice manufactured in this state or another state.

B. 1. The Commission, by either registered or certified mail, shall notify each first purchaser who purchases or barterers for grapes, grape juice or wine through commercial channels 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.

2. The amount of the assessment collected shall be clearly shown on the sales invoice or other document evidencing the sale or barter of the grapes, grape juice and wine.

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

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18-350.7 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. 1. The first purchaser shall render and file a report along with remittance of the assessment collected pursuant to the Oklahoma Grape Resources and Wine Production Act to the Oklahoma Tax Commission at the same time and in the same manner as required for the payment of Oklahoma excise tax.

2. The Oklahoma Tax Commission and the Oklahoma Grape and Wine Commission shall cooperate in the development and preparation of any

forms and instructions necessary to comply with the provisions of this subsection.

3. The report shall include the total amount of fees collected by the first purchaser, the total amount of grapes, grape juice or wine purchased or bartered and other information as may be required by the Oklahoma Grape and Wine Commission.

B. 1. If the first purchaser fails to make a report and remittance as required by the Oklahoma Grape Resources and Wine Production Act, the Commission shall determine the amount collected and owed by the first purchaser, which shall be prima facie correct.

2. Any first purchaser having failed to make the report as required by the Oklahoma Grape Resources and Wine Production Act shall, within ten (10) days after notice of the computed collection amount established by the Commission is mailed to the first purchaser, pay the computed collection amount, together with a penalty of five percent (5%) of the computed collection amount.

3. 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.

4. No payment shall be made until the Commission enters its final order determining the amount of payment. The payment of the determined collection amount and penalty shall be paid within ten (10) days of notice of the decision.

C. The Oklahoma Tax Commission shall submit a monthly report to the Commission detailing the name, address and excise tax paid and assessment collected on the sale of wine required by law and the assessment paid upon the sale or barter of grapes and grape juice.

D. At any time the State Auditor and Inspector 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 Grape Resources and Wine Production Act and rules promulgated thereto.

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

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18-350.8 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. 1. The chair of the Oklahoma Grape and Wine Commission shall make an annual report to the Governor, 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 Grape Resources and Wine Production Act.

2. The annual report shall include a list of all officers and any employees of the Commission and shall indicate the official positions of officers and any employees and salaries paid.

B. The report shall be available to the public. A copy shall be sent upon request to any grapes producer, and any grape juice or wine manufacturer upon whom the assessment is assessed.

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

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18-350.9 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. There is created the Oklahoma Grape and Wine Fund. The Oklahoma Grape and Wine Fund shall be administered by the Oklahoma Grape and Wine Commission for the benefit of the grapes producers, and grape juice and wine manufacturers in this state for the purposes specified by the Oklahoma Grape Resources and Wine Production Act. The Oklahoma Grape and Wine Fund shall be established and maintained in a bank or other depository as approved by the Commission and the State Treasurer.

B. The Oklahoma Grape and Wine Fund shall consist of:

1. All monies received by the Commission as proceeds from the assessment imposed pursuant to the Oklahoma Grape Resources and Wine Production Act;

2. Interest attributable to investment of money in the Oklahoma Grape and Wine 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 Grape and Wine Fund.

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

D. Monies in the Oklahoma Grape and Wine Fund shall only be expended for:

1. Implementation and management of the Oklahoma Grape Resources and Wine Production Act; and

2. Costs incurred by the Commission for the administration of the Oklahoma Grape Resources and Wine Production Act.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18-350.10 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. Any person who has been determined by the Commission to have violated any provisions of the Oklahoma Grape Resources and Wine Production Act shall be liable for an administrative penalty of not more than Five Hundred Dollars (\$500.00) for each day that the violation continues. The maximum administrative penalty shall not exceed, for any related series of violations, the total value of the products upon which the assessment was based including court and administrative costs.

B. 1. The amount of the penalty shall be assessed by the Commission pursuant to the provisions of subsection A of this section, after notice and hearing. In determining the amount of the

penalty, the Commission shall include but not be limited to consideration of the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, the effect on ability of the person to continue to do business, and any show of good faith in attempting to achieve compliance with the provisions of the Oklahoma Grape Resources and Wine Production Act.

2. All penalties collected pursuant to the provisions of this subsection shall be deposited in the Oklahoma Grape and Wine Fund.

C. The Commission may request the Attorney General to bring an action in a court of competent jurisdiction for equitable relief to redress or restrain a violation by any person of a provision of the Oklahoma Grape Resources and Wine Production Act.

SECTION 11. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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