

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 403

By: Harrison

AS INTRODUCED

An Act relating to agriculture; creating the Oklahoma Livestock Industry Education and Marketing Act; providing short title; providing definitions; creating the Oklahoma Livestock Industry Education and Marketing Board; stating purpose of the Board; providing for membership of Board; stating qualifications; setting terms; providing for vacancies on the Board; authorizing members of the Board to appoint certain persons as members of the Board; creating certain office; providing for reimbursement; allowing members of the Board to serve on other boards or commissions; stating powers and duties; requiring annual meeting; allowing Board to hire a Director; creating the Oklahoma Livestock Industry Education and Marketing Revolving Fund; authorizing the Board to invest certain funds; prohibiting certain use of funds collected; construing clause; providing for codification; and providing an effective date.

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 18-320 of Title 2, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Livestock Industry Education and Marketing Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18-321 of Title 2, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Livestock Industry Education and Marketing Act:

1. "Board" means the Oklahoma Livestock Industry Education and Marketing Board;

2. "Person" means any individual, group of individuals, or any partnership, corporation, association, cooperative, or employee thereof, or any other entity;

3. "Representative of the cattle industry" means any person who is actively engaged in the production of cattle within this state;

4. "Representative of the dairy industry" means any person who is actively engaged in production of milk from dairy cattle within this state;

5. "Representative of the poultry industry" means any person who is actively engaged in the production of turkeys, chickens, or their eggs within this state;

6. "Representative of the pork industry" means any person who is actively engaged in the production of pork within this state;

7. "Value-added processor" means any person who is actively engaged in the processing of meat or dairy or other livestock products for commercial purposes or sales; and

8. "Other livestock industries" shall include, but not be limited to, the production of llamas, emus, and animals other than those otherwise referred to in this section that can be considered livestock.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18-322 of Title 2, unless there is created a duplication in numbering, reads as follows:

There is hereby created until July 1, 2009, the Oklahoma Livestock Industry Education and Marketing Board which shall be subject to the provisions of the Oklahoma Sunset Law. The purpose of the Board is to coordinate a program designed to demonstrate to the general public the importance of the Oklahoma livestock industry, to encourage and promote environmentally sound production methods and technologies, and to support research and educational activities concerning the livestock industry.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18-323 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Livestock Industry Education and Marketing Board shall be composed of at least fourteen (14) members. The fourteen members shall be representatives of the cattle, dairy, poultry, and pork industries which do business in the state, one from each industry to be appointed by the Governor, one from each industry to be appointed by the President Pro Tempore of the Senate and one from each industry to be appointed by the Speaker of the House of Representatives. The Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall make appointments from a list of names of industry representatives that do business in the state, submitted by relevant livestock industry producer associations.

B. The members of the Board shall:

1. Be at least twenty-five (25) years of age; and
2. Have at least five (5) years of active experience in the relevant livestock industry.

C. The initial term of office for members of the Board shall be as follows: four members for one (1) year, four members for two (2) years and four members for three (3) years. For the initial appointments of the representatives of each industry, the Governor shall make two appointments for one-year terms and two appointments for three-year terms. The President Pro Tempore of the Senate shall make four appointments for two-year terms. The Speaker of the House of Representatives shall make two appointments for three-year terms and two appointments for one-year terms. Thereafter, the terms of each representative of the industry shall be for three (3) years.

D. The four members of the Board whose initial term of office is for one (1) year shall serve until October 1, 2004, at which time

their terms shall expire and will be replaced by members appointed to three-year terms.

E. The four members of the Board whose initial term of office is for two years (2) shall serve until October 1, 2005, at which time their terms shall expire and will be replaced by members appointed to three-year terms.

F. Vacancies shall be filled for the unexpired term of office in the same manner as the original appointment. The appointed members may be removed from office by a majority vote of the three appointing authorities.

G. After October 1, 2003, members of the Board appointed pursuant to subsection A of this section shall, by majority vote, appoint two representatives from each of the following livestock producer-related areas to serve as members of the Board: one member from the Value-Added Processor industry and one member from other livestock industries. These additional members shall have full voting rights and privileges and will serve three-year terms.

H. The Board shall at its first meeting elect one of its members as chairperson, who shall preside over meetings of the Board and perform such other duties as may be required by the Board. The first meeting of the Board shall be called by the Governor.

I. No member of the Board shall receive a salary for duties performed as a member of the Board; however, members are eligible to receive reimbursement for expenses and travel reimbursement as provided for in the State Travel Reimbursement Act.

J. Members serving on the Board shall be eligible to serve on any other state board or commission if such member is otherwise qualified to hold such appointed office, notwithstanding the provisions of Section 6 of Title 51 of the Oklahoma Statutes.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18-324 of Title 2, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Livestock Education and Marketing Industry Board shall have the following powers, duties, and responsibilities:

1. To administer and enforce the provisions of the Oklahoma Livestock Industry Education and Marketing Act;
2. To establish an office for the Board within this state;
3. To elect a chairperson and other officers as may be necessary to direct operations of the Board;
4. To employ personnel as shall be deemed necessary to carry out the purpose and provisions of this act including, but not limited to, an attorney to provide legal assistance to the Board, and to prescribe their duties and fix their compensation;
5. To establish and administer the Livestock Industry Education and Marketing Revolving Fund;
6. To approve or disapprove the budget of the Board;
7. To promulgate rules as it deems necessary to carry out the provisions of this act;
8. To enter into contracts or agreements for studies, research projects, experimental work, supplies or other services to carry out the purposes of the Oklahoma Livestock Industry Education and Marketing Act and incur those expenses necessary to carry out the purpose. Any such contract or agreement shall provide that:
 - a. the person entering the contract or agreement shall develop and submit to the Board a plan or project together with a budget or budgets that shows estimated costs to be incurred for the plan or project, and
 - b. the person entering the contract or agreement shall keep accurate records of all of its transactions, account for funds received and expended, and make periodic reports to the Board of activities conducted, and such other reports as the Board may require;
9. To keep accurate records of all financial transactions performed pursuant to this act. These records shall be audited

annually by an independent auditor and an annual report shall be compiled and presented to the Governor;

10. To cooperate with any private, local, state or national commission, organization, agency or group and to make contracts and agreements for joint programs beneficial to the livestock industry;

11. To accept donations, grants, contributions and gifts from any public or private source and deposit such in the Livestock Industry Revolving Fund;

12. To approve or disapprove the investment of any monies in the Livestock Industry Education and Marketing Revolving Fund pursuant to Section 8 of this act; and

13. To keep an accurate record of all monies collected.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18-325 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. There shall be an annual meeting of the Board at which the annual report and proposed budget will be presented. The Board shall, at the call of the chairperson, hold other meetings each year. The chairperson shall establish the time, a manner and place of all meetings and shall provide notice of such meetings. A majority of the members of the Board shall constitute a quorum for the transaction of any business. In addition, the Board shall determine the circumstances under which additional meetings of the Board may be held.

B. The Board may appoint a director who shall carry out the provisions of the Oklahoma Livestock Industry Education and Marketing Act. The director shall not be one of the appointed Board members.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18-326 of Title 2, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Oklahoma Livestock Education and Marketing Industry Board to be designated the Livestock Industry Revolving Fund. The fund shall be a continuing fund, not subject to fiscal year limitations and shall consist of all monies received by the Oklahoma Livestock Education and Marketing Industry Board from donations, grants, contributions, and gifts from any public or private source. The Board may expend funds as provided for by law. None of the monies collected shall be used for travel expenses of any member of the Legislature.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18-327 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Livestock and Marketing Industry Board may invest, pending disbursement, funds collected through donations, grants, contributions, and gifts only in obligations of the United States or any agency thereof, in general obligations of any state, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

B. The Board shall be prohibited from utilizing any funds collected for the purpose of influencing governmental action or policy, with the exception of recommending amendments to this act.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18-328 of Title 2, unless there is created a duplication in numbering, reads as follows:

Nothing in this act may be construed to preempt or supersede any other program relating to livestock production or marketing organized and operated under the laws of this state or the United States. The provisions of this act applicable to the rules shall be applicable to amendments to the rules.

SECTION 10. This act shall become effective November 1, 2003.

49-1-514

JT

6/12/2015 7:49:57 PM