

1 Agriculture, Food, and Forestry to administer the
2 Rural Economic Development Loan Program and replacing
3 references; repealing 2 O.S. 2011, Section 3-2, which
4 relates to the Fire Ant Research and Management
5 Advisory Committee; repealing 2 O.S. 2011, Section 3-
6 35, which relates to the Pest Control Compact;
7 repealing 2 O.S. 2011, Section 5-3.5, which relates
8 to the Oklahoma Agriculture Enhancement and
9 Diversification Advisory Board; repealing 2 O.S.
10 2011, Section 7-10, which relates to dairy compact
11 law; repealing 2 O.S. 2011, Section 10-9.2, which
12 relates to the Oklahoma Registered Poultry Feeding
13 Operations Act; repealing 2 O.S. 2011, Sections 15-
14 60.1, 15-60.2, 15-60.3 as amended by Section 10,
15 Chapter 304, O.S.L. 2012, and 15-60.4 (2 O.S. Supp.
16 2012, Section 15-60.3), which relate to the Oklahoma
17 County Fair Enhancement Act; repealing 2 O.S. 2011,
18 Section 16-13, which relates to the Oklahoma Forestry
19 Code; repealing 2 O.S. 2011, Sections 18-43.1, 18-
20 43.2, 18-43.3 and 18-43.4, which relate to the
21 Oklahoma Dairy Promotion Act; repealing 2 O.S. 2011,
22 Section 18-120, which relates to the Oklahoma Pecan
23 Marketing Board; repealing 2 O.S. 2011, Section 20-5,
24 which relates to the Oklahoma Swine Feeding
Operations Act; repealing 2 O.S. 2011, Section 20-43,
which relates to the Oklahoma Concentrated Animal
Feeding Operations Act; repealing 2 O.S. 2011,
Section 1950.11, which relates to the Oklahoma
Biofuels Development Act; repealing 59 O.S. 2011,
Sections 1203, as amended by Section 279, Chapter
304, O.S.L. 2012, 1204, 1206, 1207, 1208 and 1209 (59
O.S. Supp. 2012, Section 1203), which relate to the
State Board of Registration for Foresters; repealing
62 O.S. 2011, Section 90.4, which relates to the
Oklahoma Rural Economic Development Loan Program
Review Board; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2011, Section 3-101, is
amended to read as follows:

1 Section 3-101. A. The State Board of Agriculture or its
2 authorized agents shall have the authority to enter any premises or
3 mode of transportation during reasonable hours for the purpose of
4 implementing the Oklahoma Apiary Act or rules promulgated pursuant
5 thereto.

6 B. The Board or its authorized agents shall have the authority
7 to carry out all necessary and proper actions to determine
8 compliance with the Oklahoma Apiary Act including, but not limited
9 to, conducting investigations, opening any bundle, package, or
10 container, examining and making photocopies of records or documents,
11 examining devices, collecting and submitting samples for analysis,
12 issuing any order to destroy infected or infested bees or apiary
13 equipment, and removing or destroying bees, hives or other articles
14 as deemed necessary by the Board.

15 C. The Board is authorized to promulgate rules necessary,
16 expedient, or appropriate for the performance, enforcement, or
17 carrying out of any of the purposes, objectives, or provisions of
18 the Oklahoma Apiary Act, including the establishment of fees. All
19 fees shall be fair and equitable to all parties concerned. Any
20 rules shall be promulgated pursuant to the Administrative Procedures
21 Act.

22 D. The Board shall have the authority to:
23
24

1 1. Issue, renew, deny, modify, suspend, cancel, and revoke any
2 registration, permit, certificate, license, identification, or order
3 issued pursuant to the provisions of the Oklahoma Apiary Act;

4 2. Issue certificates of inspection;

5 3. Issue entry permits to any person transporting bees or
6 apiary equipment into this state;

7 4. Investigate complaints and violations of the Oklahoma Apiary
8 Act and rules promulgated pursuant thereto;

9 5. Issue quarantines, initiate control measures, confiscate,
10 and destroy apiaries, bees, colonies, or hives that present a danger
11 to the public safety or welfare; and

12 6. Exercise all incidental powers as necessary and proper to
13 implement and enforce the provisions of the Oklahoma Apiary Act and
14 the rules of the Board promulgated pursuant thereto.

15 ~~E. Pursuant to the general powers contained in Section 2-6 of~~
16 ~~this title, the Board may establish an Apiary Advisory Committee~~
17 ~~composed of interested residents and beekeepers of the state who,~~
18 ~~without compensation, may advise and make recommendations to the~~
19 ~~Department on the administration of the Oklahoma Apiary Act and on~~
20 ~~other apiary matters.~~

21 SECTION 2. AMENDATORY 2 O.S. 2011, Section 5-3.2, is
22 amended to read as follows:
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1 Section 5-3.2 A. The State Board of Agriculture is hereby
2 authorized to establish and administer the Oklahoma Agriculture
3 Enhancement and Diversification Program.

4 B. The purpose of the Oklahoma Agriculture Enhancement and
5 Diversification Program is to promote and encourage the interests of
6 agriculture through the allocation of funds, by grant or loan, to
7 individuals, cooperatives and other agricultural entities to provide
8 assistance to projects dealing with the development of new or
9 expanded uses or both new and expanded uses of agricultural
10 products, and to increase productivity, provide added value to
11 agricultural products and benefit the agricultural producer.

12 C. The Program shall consist of the following categories:

13 1. Cooperative marketing grants and loans to be available to
14 entities or individuals wishing to work together to develop or
15 establish production, processing or marketing of agricultural
16 products. The purpose of this category is to provide funding for
17 promoting productivity, providing added value to agricultural
18 products, stimulating and fostering agricultural diversification and
19 encouraging processing innovations;

20 2. Marketing and utilization grants and loans to be used to
21 assist in the development or implementation of sound domestic or
22 foreign marketing plans for Oklahoma agricultural products, by-
23 products, or new and better uses for existing agricultural products
24

1 by the financing of marketing feasibility studies, business plans,
2 and test marketing;

3 3. Farm diversification grants or loans to be used for projects
4 dealing with the diversification of family farms or ranches to
5 nontraditional crops, livestock, or on-farm, value-added processing
6 of agricultural commodities; and

7 4. Basic and applied research grants and loans for business
8 creation or expansion, or research which will likely lead to a
9 marketable product through the focusing of research efforts on uses
10 and processing of Oklahoma agricultural products and by-products,
11 including but not limited to:

- 12 a. focused research which enhances the value of an
- 13 agricultural product or by-product,
- 14 b. feasibility studies,
- 15 c. product development costs, and
- 16 d. projects that are driven by an entrepreneur or the
- 17 industry.

18 D. The State Board of Agriculture, ~~with the advice and~~
19 ~~assistance of the Oklahoma Agriculture Enhancement and~~
20 ~~Diversification Advisory Board created in Section 5 of this act,~~
21 shall promulgate rules governing the Oklahoma Agriculture
22 Enhancement and Diversification Program.

23 SECTION 3. AMENDATORY 2 O.S. 2011, Section 14-1, is
24 amended to read as follows:

1 Section 14-1. There shall be established a ~~State~~ an Oklahoma
2 Bureau of Standards of weights, measures, and tests of all kinds.
3 This Bureau shall be a part of the ~~State~~ Oklahoma Department of
4 Agriculture, Food, and Forestry which shall provide facilities for
5 its use. The ~~President of the State Board of Agriculture~~ Director
6 of Laboratory Services shall ~~appoint~~ act as the Director of the
7 Bureau of Standards ~~an employee of the Department.~~ Upon
8 ~~recommendation of the Director, the President of the Board shall~~
9 ~~appoint at least two other employees as assistant directors.~~ The
10 ~~Director and assistant directors shall constitute a board of control~~
11 ~~for the Bureau of Standards. The members of the board of control~~
12 ~~shall serve without salary.~~

13 SECTION 4. AMENDATORY 2 O.S. 2011, Section 14-2, is
14 amended to read as follows:

15 Section 14-2. The ~~board of control~~ Director of the Bureau of
16 Standards shall have charge of the various standards of weights,
17 measures, and testing devices received by this state from the United
18 States pursuant to Resolutions of Congress approved June 14, 1836,
19 and July 27, 1866, and any future standards which may be received
20 from the United States. The ~~board of control~~ Director shall have
21 charge of the various state or office standards purchased by this
22 state for the Bureau.

23 The ~~board of control~~ Director shall have charge and control of
24 the standard methods of weighing, measuring, and testing in this

1 state. The ~~board of control~~ Director shall maintain the standards
2 in good order and shall submit a set of standards called the
3 reference standards to the National Institute of Standards and
4 Technology (NIST) for certification.

5 SECTION 5. AMENDATORY 2 O.S. 2011, Section 14-4, is
6 amended to read as follows:

7 Section 14-4. The Bureau of Standards shall be available to all
8 state departments, municipal and private corporations, and citizens
9 of this state. The Bureau shall be the highest official authority
10 with regard to standards of weights, measures, and testing devices,
11 and methods of weighing, measuring, and testing for this state. The
12 findings of the Bureau of Standards in any case or question shall be
13 considered prima facie evidence of the correctness of the case or
14 question. All officers enforcing the standards for weights,
15 measures, and testing devices in this state shall submit their
16 weighing, measuring, and testing devices to the State Bureau of
17 Standards at those periods determined by the ~~board of control~~
18 Director of the Bureau of Standards for certification and seal. ~~The~~
19 ~~board of control shall adopt a seal for this purpose.~~

20 SECTION 6. AMENDATORY 2 O.S. 2011, Section 14-5, is
21 amended to read as follows:

22 Section 14-5. The ~~board of control~~ State Board of Agriculture
23 shall establish fees for all tests and certifications made by the
24 Bureau of Standards. The fees shall in no case exceed those

1 established for similar work by the National Institute of Standards
2 and Technology. The fees collected shall be deposited with the
3 State Treasurer in the State Department of Agriculture Revolving
4 Fund.

5 SECTION 7. AMENDATORY 2 O.S. 2011, Section 14-6, is
6 amended to read as follows:

7 Section 14-6. The Bureau of Standards shall provide information
8 for general distribution, literature, and directions regarding
9 weights, measures and tests, and methods of weighing, measuring, and
10 testing as recommended by the ~~board of control~~ Director of the
11 Bureau of Standards.

12 SECTION 8. AMENDATORY 59 O.S. 2011, Section 1202, is
13 amended to read as follows:

14 Section 1202. As used in this act: (1) the term "forester"
15 means a person who, by reason of his knowledge of the natural
16 sciences, mathematics, and the principles of forestry, acquired by
17 forestry education, as set forth in Section 12, (1) of this act,
18 and/or practical experience is qualified to engage in the practice
19 of professional forestry as hereinafter defined; (2) the term
20 "registered forester" means a person who has been licensed pursuant
21 to the act; (3) the term "practice of professional forestry" means
22 professional forestry services, including but not limited to
23 consultation, investigation, evaluation, planning, or responsible
24 supervisions of any forestry activities when such professional

1 services require the application of forestry principles and
2 techniques; and (4) the term "~~Board~~" "Department" means the ~~State~~
3 ~~Board of Registration for registered foresters~~ Oklahoma Department
4 of Agriculture, Food, and Forestry.

5 SECTION 9. AMENDATORY 59 O.S. 2011, Section 1210, is
6 amended to read as follows:

7 Section 1210. The ~~State Board of Registration for Foresters~~
8 Department shall keep a ~~record of its proceedings and a~~ register of
9 all applications for registration, ~~which~~. The register shall show
10 the name, age, and residence of ~~such~~ each applicant; the date of the
11 application; address for the receipt of mail and the place of
12 business of ~~such~~ each applicant; the education and other
13 qualifications of the applicant; whether or not an examination was
14 required; whether the application was rejected; whether a license
15 was granted; the date of the action of the ~~Board~~ Department; and
16 such other information as may be deemed necessary by the ~~Board~~
17 Department.

18 SECTION 10. AMENDATORY 59 O.S. 2011, Section 1211, is
19 amended to read as follows:

20 Section 1211. A roster showing the names and places of business
21 of all registered foresters qualified according to the provisions of
22 this act shall be prepared by the ~~secretary of the Board~~ Department
23 during the month of March of each year. Copies of ~~such~~ the roster
24 shall be mailed to each person so registered, placed on file with

1 the Secretary of State and made available to the public upon
2 request.

3 SECTION 11. AMENDATORY 59 O.S. 2011, Section 1212, is
4 amended to read as follows:

5 Section 1212. (A) ~~The following shall be considered as minimum~~
6 ~~evidence satisfactory to the Board that the applicant is qualified~~
7 ~~for registration as a registered forester: (1) Graduation from a~~
8 ~~university or college with a curriculum in forestry acceptable to~~
9 ~~the Board, including one three credit course in each of the~~
10 ~~following subjects: silviculture, forest protection, forest~~
11 ~~management, forest economics, and forest utilization; and a record~~
12 ~~of an additional two (2) years' or more experience in forestry work~~
13 ~~of a character satisfactory to the Board, and indicating that the~~
14 ~~applicant is competent to practice professional forestry; or (2)~~
15 ~~successfully passing an examination designed to show knowledge~~
16 ~~approximation as obtained through graduation from an acceptable~~
17 ~~four-year curriculum in forestry, and a record of four (4) years or~~
18 ~~more of active practice in forestry work of a character satisfactory~~
19 ~~to the Board, and indicating that the applicant is competent to~~
20 ~~practice professional forestry; provided, that after five (5) years~~
21 ~~from the effective date of this act no~~ No person shall qualify as a
22 registered forester unless such the person shall have graduated from
23 a university or college with a curriculum in forestry acceptable to
24 the ~~Board~~ Department, and who has a record of an additional two (2)

1 years or more of experience in forestry work of a character
2 satisfactory to the ~~Board~~ Department, and indication that the
3 applicant is competent to practice professional forestry.

4 (B) No person shall be eligible for registration as a registered
5 forester who is not of good character and reputation. The completion
6 of the junior year of a curriculum in forestry in a university or
7 college acceptable to the ~~Board~~ Department shall be considered as
8 equivalent to two (2) years of the practice of professional
9 forestry; the completion of the senior year of a curriculum in
10 forestry, without graduation, in a university or college acceptable
11 to the ~~Board~~ Department shall be considered as equivalent to three
12 (3) years of the practice of professional forestry.

13 SECTION 12. AMENDATORY 59 O.S. 2011, Section 1213, is
14 amended to read as follows:

15 Section 1213. Applications for registration shall be made on
16 forms prescribed and furnished by the ~~Board~~ Department, shall
17 contain statements made under oath as to citizenship, residence, and
18 the applicant's education and detailed summary of ~~his~~ the
19 applicant's technical work, and shall contain the names of not less
20 than five persons, of whom three or more shall be forestry school
21 graduates, having personal or professional knowledge of ~~his~~ the
22 applicant's forestry experience. The forms shall also contain a
23 code of ethics prepared and approved by the ~~Board~~ Department
24 essentially conforming to the code of ethics of the Society of

1 American Foresters. The registration fee for a certificate as a
2 "licensed forester" shall be fixed by the Board but not to exceed
3 Twenty-five Dollars (\$25.00), one-half (1/2) of which fee shall
4 accompany the application, the balance to be paid before issuance of
5 the certificate. Should the applicant fail or refuse to remit the
6 said remaining balance within thirty (30) days after being notified
7 by ~~registered~~ mail that the applicant has successfully qualified,
8 the applicant shall forfeit the right to have a certificate so
9 issued and ~~said~~ the applicant may be required to again submit an
10 original application and pay an original fee therefor. Should the
11 ~~Board~~ Department deny the issuance of a certificate of registration
12 to any applicant, the fee deposited shall be retained by the ~~Board~~
13 Department as an application fee.

14 SECTION 13. AMENDATORY 59 O.S. 2011, Section 1214, is
15 amended to read as follows:

16 Section 1214. When examinations are required, they shall be
17 held at such time and place as the ~~Board~~ Department shall determine.
18 The methods of procedure shall be prescribed by the ~~Board~~
19 Department. A candidate failing an examination may apply for
20 reexamination at the expiration of six (6) months and shall be
21 entitled to one reexamination without payment of an additional fee.
22 Subsequent examinations may be granted upon payment of a fee to be
23 determined by the ~~Board~~ Department, but not in excess of Twenty-five
24 Dollars (\$25.00).

1 SECTION 14. AMENDATORY 59 O.S. 2011, Section 1215, is
2 amended to read as follows:

3 Section 1215. The ~~Board~~ Department shall issue a license upon
4 payment of the registration fee as provided for in this act to any
5 applicant who, in the opinion of the ~~Board~~ Department, has
6 satisfactorily met all the requirements of the act. Licenses shall
7 show the full name of the registrant, shall have a serial number,
8 and shall be signed by the chairman and secretary of the ~~Board~~
9 Department under seal of the Board. The issuance of a license by
10 the ~~Board~~ Department shall be evidence that the person named therein
11 is entitled to all the rights and privileges of a licensed forester
12 while the said license remains unrevoked or unexpired. Plans, maps,
13 specifications, and reports issued by a registrant shall be endorsed
14 with ~~his~~ the registrant's name and license number. It shall be a
15 misdemeanor for anyone to endorse any plan, specifications,
16 estimate, or map unless ~~he shall have~~ the registrant actually
17 prepared ~~such~~ the plan, specification, estimate, or map or ~~shall~~
18 ~~have been~~ was in the actual charge of the preparation ~~and/or~~
19 responsible therefor.

20 SECTION 15. AMENDATORY 59 O.S. 2011, Section 1216, is
21 amended to read as follows:

22 Section 1216. Licenses shall expire one (1) year after the date
23 of their issuance or renewal and shall become invalid on that date
24 unless renewed. It shall be the duty of the ~~secretary of the Board~~

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 Department to notify, at ~~his~~ the registrant's last-registered
2 address, every person registered under this act of the date of the
3 expiration of his license and the amount of the fee that shall be
4 required for its renewal for one (1) year; such notice shall be
5 mailed at least one (1) month in advance of the date of the
6 expiration of said license. The fee for renewal of licenses shall
7 not exceed Ten Dollars (\$10.00). The ~~Board~~ Department shall make an
8 exception to the foregoing renewal provisions in the case of a
9 person while on active duty in any of the armed forces of the United
10 States.

11 SECTION 16. AMENDATORY 59 O.S. 2011, Section 1218, is
12 amended to read as follows:

13 Section 1218. A person not a resident of and having no
14 established place of business in Oklahoma, or who has recently
15 become a resident thereof, may become a licensed forester in
16 Oklahoma provided: (1) ~~such~~ the person is legally licensed as a
17 registered forester in ~~his own state of origin or country~~ and ~~has~~
18 ~~submitted~~ submits evidence to the ~~Board~~ that he is so licensed
19 Department of the license and that the requirements for registration
20 therein are at least substantially equivalent to the requirements of
21 the act; and (2) the state or country in which ~~he is so~~ licensed
22 observes these same rules of reciprocity in regard to persons
23 originally licensed under the provisions of this act; and (3) the
24 ~~Board~~ Department shall issue a qualified applicant a one-year permit

1 upon receipt of a fee equal to one-year annual renewal, charged
2 licensed foresters in this state.

3 SECTION 17. AMENDATORY 59 O.S. 2011, Section 1220, is
4 amended to read as follows:

5 Section 1220. Any person who shall practice or offer to
6 practice the profession of forestry as a registered forester in this
7 state, without being registered in accordance with the provisions of
8 this act, or any person who shall use ~~in connection with his name~~ or
9 otherwise assume, use, or advertise any title or description tending
10 to convey the impression that ~~he~~ the person is a registered
11 forester, without being registered in accordance with the provisions
12 of this act, or any person who shall present or attempt to use as
13 ~~his own~~ the license of another, or any person who shall give any
14 false or forged evidence of any kind to the ~~Board~~ Department, or any
15 member thereof, in obtaining a license, or any person who shall
16 attempt to use an expired or revoked license, or any person, firm,
17 partnership, or corporation who shall violate any of the provisions
18 of this act, shall be guilty of a misdemeanor and upon conviction
19 thereof shall be fined not less than One Hundred Dollars (\$100.00)
20 or more than Five Hundred Dollars (\$500.00), and such monies shall
21 be ~~impounded~~ collected by the ~~Board~~ Department. The ~~Board~~
22 Department, or such person or persons as may be designated by the
23 ~~Board~~ Department to act in its stead, is empowered to prefer charges
24 for any violations of this act in any court of competent

1 jurisdiction. It shall be the duty of all duly constituted officers
2 of the law of this state to enforce the provisions of this act and
3 to prosecute any persons, firms, partnerships, or corporations
4 violating the same. ~~The Attorney General of the state or his~~
5 ~~designated assistant shall act as legal advisor of the Board and~~
6 ~~render such assistance as may be necessary in carrying out the~~
7 ~~provisions of this act.~~

8 SECTION 18. AMENDATORY 62 O.S. 2011, Section 90.2, is
9 amended to read as follows:

10 Section 90.2 As used in the Rural Economic Development Loan
11 Act:

12 1. ~~"Commissioner"~~ "Department" means the ~~President of the State~~
13 ~~Board~~ Oklahoma Department of Agriculture, Food, and Forestry;

14 2. "Financial institution" means any office or branch of a
15 bank, savings bank, savings association, building and loan
16 association, savings and loan association, credit union or nonprofit
17 lender exempt from taxation pursuant to the provisions of Section
18 501(c)(3) of the Internal Revenue Code of the United States located
19 in the State of Oklahoma;

20 3. "Participating financial institution" means a financial
21 institution which pledges at least Three Million Dollars
22 (\$3,000,000.00) but not to exceed Ten Million Dollars
23 (\$10,000,000.00) to the Rural Economic Development Loan Revolving
24 Fund;

1 4. "Qualified economic development project" means:

- 2 a. the development, construction, restoration, or
3 replacement of a physical facility located or to be
4 located in a rural area of this state, which has been
5 initiated by a participating financial institution
6 which has been certified by the ~~Rural Economic~~
7 ~~Development Loan Program Review Board pursuant to the~~
8 ~~provisions of paragraph 3 of subsection B of Section~~
9 ~~90.4 of this title~~ Department, and
- 10 b. the commencement or expansion of economic activities
11 that result in or that will, within three (3) years of
12 the commencement of such activities, result in the
13 employment of five (5) or more full-time-equivalent
14 employees at a location in a rural area of this state
15 in positions that did not exist prior to the
16 commencement of such activities and which has been
17 certified by the ~~Rural Economic Development Loan~~
18 ~~Program Review Board pursuant to the provisions of~~
19 ~~paragraph 3 of subsection B of Section 90.4 of this~~
20 ~~title~~ Department; and

21 5. "Rural area" means an area designated as such by the Office
22 of Rural Development of the United States Department of Agriculture.

23 SECTION 19. AMENDATORY 62 O.S. 2011, Section 90.3, is
24 amended to read as follows:

1 Section 90.3 There is hereby created the Rural Economic
2 Development Loan Program. The ~~Commissioner~~ Oklahoma Department of
3 Agriculture, Food, and Forestry shall administer the Program, under
4 which reduced rate loans may be made by participating financial
5 institutions, ~~after approval by the Rural Economic Development Loan~~
6 ~~Program Review Board,~~ to finance qualified economic development
7 projects from the Rural Economic Development Loan Revolving Fund
8 created in Section 90.8 of this title. The ~~Commissioner~~ Department
9 shall promulgate rules and take such other actions as may be
10 necessary to implement the Program and monitor compliance of
11 participating financial institutions and loan applicants and
12 recipients.

13 SECTION 20. AMENDATORY 62 O.S. 2011, Section 90.5, is
14 amended to read as follows:

15 Section 90.5 A. A participating financial institution that
16 desires to make a rural economic development loan shall accept and
17 review applications for loans in connection with qualified economic
18 development projects. A package of more than one rural economic
19 development loan may be developed by a development company certified
20 by the U.S. Small Business Administration or a political subdivision
21 of this state or an agency thereof, and such entity may submit an
22 application for one or more loans. The financial institution shall
23 apply all usual lending standards and shall exercise due diligence
24 to determine the creditworthiness of each applicant and to determine

1 if the loan should be granted. Loans made under the Rural Economic
2 Development Loan Act shall conform to the following conditions:

3 1. The maximum amount of loans under the Rural Economic
4 Development Loan Act in connection with a particular qualified
5 economic development project shall be determined by need in the
6 rural area in which the project is located and the number of jobs
7 created. The Oklahoma ~~Rural Economic Development Loan Program~~
8 ~~Review Board~~ Department of Agriculture, Food, and Forestry shall
9 have final decision-making authority as to the maximum amount of
10 each loan;

11 2. The applicant shall certify on the loan application that the
12 loan will be used exclusively in connection with the qualified
13 economic development project in accordance with the purpose of the
14 Rural Economic Development Loan Act;

15 3. No loan shall be approved for any otherwise eligible
16 recipient when fifty percent (50%) or more of the interest in or
17 control of such otherwise eligible recipient is owned directly or
18 indirectly by a person who owns directly or indirectly fifty percent
19 (50%) or more of or controls another participating recipient;

20 4. No loan shall be made to any officer or director of the
21 financial institution making the loan or to any entity in which any
22 such officer or director maintains a controlling interest;

23 5. No loan shall be made to any employee of the Oklahoma
24 Department of Agriculture, Food, and Forestry or ~~members of the~~

1 ~~Oklahoma Rural Economic Development Loan Program Review Board~~ or to
2 any entity in which any such employee or member maintains a
3 controlling interest;

4 6. Whoever knowingly makes a false statement concerning a rural
5 economic development loan application shall be prohibited from
6 participating in the Rural Economic Development Loan Program; and

7 7. Rural economic development loans may be renewed if the
8 amount of principal has been reduced by a minimum of five percent
9 (5%) per year and all interest has been paid from the time of the
10 original loan.

11 B. The participating financial institution shall forward to the
12 State Treasurer a rural economic development loan application in the
13 form and manner prescribed and approved by the ~~Commissioner of~~
14 Agriculture Department. The application shall include information
15 regarding the amount of the loan requested by each applicant, the
16 number of jobs to be created, and such other information the
17 ~~Commissioner and the Board require~~ Department requires.

18 C. Upon receipt of a completed rural economic development loan
19 application, the ~~Commissioner~~ Department shall forward the loan
20 application to the ~~Board, the~~ Oklahoma Tax Commission, and the
21 Oklahoma Employment Security Commission. The Board shall review the
22 loan package to determine if the loan requested meets the
23 requirements set forth under the Rural Economic Development Loan
24 Act. Within ten (10) days of receipt of the loan package, the

1 Oklahoma Tax Commission and the Oklahoma Employment Security
2 Commission shall determine and certify ~~with the Board~~ whether or not
3 the applicant is in good standing. The ~~Board~~ Department shall make
4 a recommendation concerning the application ~~at~~ to the ~~next regularly~~
5 ~~scheduled~~ State Board meeting or ~~at a special Board meeting of~~
6 Agriculture, after receipt of the responses from the Oklahoma Tax
7 Commission and the Oklahoma Employment Security Commission. No
8 applicant ~~will~~ shall be approved without certification of good
9 standing with the Oklahoma Tax Commission and Oklahoma Employment
10 Security Commission. ~~The Board shall return the application to the~~
11 ~~Commissioner with a written recommendation of approval or rejection.~~
12 ~~If the Board recommends rejection, the written recommendation shall~~
13 ~~include reasons therefor. The Board shall forward a copy of its~~
14 ~~rejection notice to the financial institution and the applicant.~~
15 ~~The Commissioner shall keep a chronological list of applications~~
16 ~~forwarded by the Board for approval or rejection. Rejected~~
17 applications may be resubmitted after reasons for rejection have
18 been addressed.

19 SECTION 21. AMENDATORY 62 O.S. 2011, Section 90.6, is
20 amended to read as follows:

21 Section 90.6 A. Loans made pursuant to applications approved
22 by the ~~Oklahoma Rural Economic Development Loan Program Review Board~~
23 Department shall be subject to the availability of funds pledged to
24 the Rural Economic Development Loan Revolving Fund, and if a loan is

1 not funded for such reason, it shall be funded in the order of the
2 priority given each loan application by the ~~Board~~ Department.

3 B. Upon acceptance of the loan or any portion thereof, the
4 ~~Commissioner of Agriculture~~ Department shall notify the Board, the
5 participating financial institution and the applicant. The
6 participating financial institution shall fund the loan to the
7 approved applicant to the extent of its unencumbered pledge to the
8 Rural Economic Development Loan Revolving Fund, not to exceed the
9 amount of the loan accepted. If the amount of the participating
10 financial institution's unencumbered pledge is less than the amount
11 of the loan as accepted, the Commissioner shall notify all other
12 participating financial institutions with an unencumbered pledge to
13 the fund and shall require each such institution to transfer an
14 amount to the Rural Economic Development Loan Revolving Fund. Such
15 amount shall be equal to the amount of the remainder of the loan
16 multiplied by the percentage of the institution's unencumbered
17 pledge of all unencumbered pledges. The ~~Commissioner~~ Department
18 shall transfer such amounts to the participating financial
19 institution making the loan.

20 C. The percentage rate of the loan shall be reduced compared to
21 the rate imposed with respect to other loans made by the financial
22 institution to similar recipients for similar purposes in an amount
23 determined by the financial institution making the loan.

1 D. The ~~Commissioner~~ Department may retain in the Rural Economic
2 Development Loan Fund an amount not to exceed two percent (2%) of
3 the total amount of a loan. Amounts retained pursuant to the
4 provisions of this subsection may be expended by the ~~Commissioner~~
5 Department for costs associated with administration of this act and
6 may be paid by the State Treasurer to a development company
7 certified by the U.S. Small Business Administration or a political
8 subdivision of this state or agency thereof for costs associated
9 with developing a loan package if all loans in the package are
10 approved pursuant to the provisions of this act.

11 E. A certification of compliance with this section in the form
12 and manner as prescribed by the ~~Commissioner~~ Department shall be
13 required of the participating financial institution.

14 F. The participating financial institution making the loan
15 shall, within three (3) business days of receipt, forward all
16 payments received for repayment of the loan to the ~~Commissioner~~
17 Department for immediate deposit to the Rural Economic Development
18 Loan Revolving Fund, until the amount deposited is equal to the
19 amount transferred by other participating financial institutions in
20 connection with the loan together with interest at the rate applied
21 to the loan. The ~~Commissioner~~ Department shall forward such
22 payments to such other participating financial institutions in
23 proportion to the amounts transferred in connection with the loan.

24

1 Remaining payments received for repayment of the loan shall be
2 retained by the participating financial institution making the loan.

3 G. Neither the State of Oklahoma nor the ~~Commissioner~~
4 Department shall be liable to any participating financial
5 institution in any manner for payment of the principal or interest
6 on a rural economic development loan.

7 SECTION 22. AMENDATORY 62 O.S. 2011, Section 90.8, as
8 amended by Section 442, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
9 2012, Section 90.8), is amended to read as follows:

10 Section 90.8 There is hereby created in the State Treasury a
11 revolving fund for the ~~Commissioner~~ Oklahoma Department of
12 Agriculture, Food, and Forestry to be designated the "Rural Economic
13 Development Loan Revolving Fund". The fund shall be a continuing
14 fund, not subject to fiscal year limitations, and shall consist of
15 all monies received by the ~~Commissioner~~ Department as provided in
16 the Rural Economic Development Loan Act. All monies accruing to the
17 credit of the fund are hereby appropriated and may be budgeted and
18 expended by the ~~Commissioner~~ Department for the purpose of
19 implementing the Rural Economic Development Loan Act. Expenditures
20 from the fund shall be made upon warrants issued by the State
21 Treasurer against claims filed as prescribed by law with the
22 Director of the Office of Management and Enterprise Services for
23 approval and payment.

24

1 SECTION 23. REPEALER 2 O.S. 2011, Section 3-2, is hereby
2 repealed.

3 SECTION 24. REPEALER 2 O.S. 2011, Section 3-35, is
4 hereby repealed.

5 SECTION 25. REPEALER 2 O.S. 2011, Section 5-3.5, is
6 hereby repealed.

7 SECTION 26. REPEALER 2 O.S. 2011, Section 7-10, is
8 hereby repealed.

9 SECTION 27. REPEALER 2 O.S. 2011, Section 10-9.2, is
10 hereby repealed.

11 SECTION 28. REPEALER 2 O.S. 2011, Sections 15-60.1, 15-
12 60.2, 15-60.3, as amended by Section 10, Chapter 304, O.S.L. 2012,
13 and 15-60.4 (2 O.S. Supp. 2012, Section 15-60.3), are hereby
14 repealed.

15 SECTION 29. REPEALER 2 O.S. 2011, Section 16-13, is
16 hereby repealed.

17 SECTION 30. REPEALER 2 O.S. 2011, Sections 18-43.1, 18-
18 43.2, 18-43.3 and 18-43.4, are hereby repealed.

19 SECTION 31. REPEALER 2 O.S. 2011, Section 18-120, is
20 hereby repealed.

21 SECTION 32. REPEALER 2 O.S. 2011, Section 20-5, is
22 hereby repealed.

23 SECTION 33. REPEALER 2 O.S. 2011, Section 20-43, is
24 hereby repealed.

1 SECTION 34. REPEALER 2 O.S. 2011, Section 1950.11, is
2 hereby repealed.

3 SECTION 35. REPEALER 59 O.S. 2011, Sections 1203, as
4 amended by Section 279, Chapter 304, O.S.L. 2012, 1204, 1206, 1207,
5 1208 and 1209 (59 O.S. Supp. 2012, Section 1203) are hereby
6 repealed.

7 SECTION 36. REPEALER 62 O.S. 2011, Section 90.4, is
8 hereby repealed.

9 SECTION 37. This act shall become effective November 1, 2013.

10

11 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
12 02/21/2013 - DO PASS, As Coauthored.

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