STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

HOUSE BILL 1902 By: Armes

AS INTRODUCED

An Act relating to agriculture; amending 2 O.S. 2011, Section 3-101, which relates to the Oklahoma Apiary Act; deleting power to establish an Apiary Advisory Committee; amending 2 O.S. 2011, Section 5-3.2, which relates to the Oklahoma Agriculture Enhancement and Diversification Act; removing the requirement that the State Board of Agriculture must receive advice and assistance to promulgate rules; amending 2 O.S. 2011, Sections 14-1, 14-2, 14-4, 14-5 and 14-6, which relate to the agricultural laboratory, weights and measures; replacing the President of the State Board of Agriculture with the Director of Laboratory Services to serve as the Director of the Bureau of Standards; replacing the board of control with the Director of Laboratory Services to have charge over certain duties; amending 59 O.S. 2011, Sections 1202, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1218 and 1220, which relate to foresters; replacing the State Board of Registration for registered foresters with the Oklahoma Department of Agriculture, Food, and Forestry as the regulating agency of foresters and replacing references; amending 62 O.S. 2011, Sections 90.2, 90.3, 90.5, 90.6 and 90.8, as amended by Section 442, Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2012, Section 90.8), which relate to the Rural Economic Development Loan Act; replacing the President of the State Board of Agriculture and the Oklahoma Rural Economic Development Loan Program Review Board with the Oklahoma Department of Agriculture, Food, and Forestry to administer the Rural Economic Development Loan Program and replacing references; repealing 2 O.S. 2011, Section 3-2, which relates to the Fire Ant Research and Management Advisory Committee; repealing 2 O.S. 2011, Section 3-35, which relates to the Pest Control Compact; repealing 2 O.S. 2011, Section 5-3.5, which relates

to the Oklahoma Agriculture Enhancement and Diversification Advisory Board; repealing 2 O.S. 2011, Section 7-10, which relates to dairy compact law; repealing 2 O.S. 2011, Section 10-9.2, which relates to the Oklahoma Registered Poultry Feeding Operations Act; repealing 2 O.S. 2011, Sections 15-60.1, 15-60.2, 15-60.3 as amended by Section 10, Chapter 304, O.S.L. 2012, and 15-60.4 (2 O.S. Supp. 2012, Section 15-60.3), which relate to the Oklahoma County Fair Enhancement Act; repealing 2 O.S. 2011, Section 16-13, which relates to the Oklahoma Forestry Code; repealing 2 O.S. 2011, Sections 18-43.1, 18-43.2, 18-43.3 and 18-43.4, which relate to the Oklahoma Dairy Promotion Act; repealing 2 O.S. 2011, Section 18-120, which relates to the Oklahoma Pecan Marketing Board; repealing 2 O.S. 2011, Section 20-5, 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:

Section 3-101. A. The State Board of Agriculture or its authorized agents shall have the authority to enter any premises or mode of transportation during reasonable hours for the purpose of

implementing the Oklahoma Apiary Act or rules promulgated pursuant thereto.

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

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

D. The Board shall have the authority to:

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

2. Issue certificates of inspection;

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

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

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

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

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

SECTION 2. AMENDATORY 2 O.S. 2011, Section 5-3.2, is amended to read as follows:

Section 5-3.2 A. The State Board of Agriculture is hereby authorized to establish and administer the Oklahoma Agriculture Enhancement and Diversification Program.

B. The purpose of the Oklahoma Agriculture Enhancement and Diversification Program is to promote and encourage the interests of agriculture through the allocation of funds, by grant or loan, to

individuals, cooperatives and other agricultural entities to provide assistance to projects dealing with the development of new or expanded uses or both new and expanded uses of agricultural products, and to increase productivity, provide added value to agricultural products and benefit the agricultural producer.

C. The Program shall consist of the following categories:

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

2. Marketing and utilization grants and loans to be used to assist in the development or implementation of sound domestic or foreign marketing plans for Oklahoma agricultural products, by-products, or new and better uses for existing agricultural products by the financing of marketing feasibility studies, business plans, and test marketing;

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

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

a. focused research which enhances the value of an agricultural product or by-product,

b. feasibility studies,

c. product development costs, and

d. projects that are driven by an entrepreneur or the industry.

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

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

Section 14-1. There shall be established ~~a State~~ <u>an Oklahoma</u> Bureau of Standards of weights, measures, and tests of all kinds. This Bureau shall be a part of the ~~State~~ <u>Oklahoma</u> Department of Agriculture<u>, Food, and Forestry</u> which shall provide facilities for its use. The ~~President of the State Board of Agriculture~~ <u>Director of Laboratory Services</u> shall ~~appoint~~ <u>act</u> as <u>the</u> Director of the

Bureau of Standards ~~an employee of the Department. Upon recommendation of the Director, the President of the Board shall appoint at least two other employees as assistant directors. The Director and assistant directors shall constitute a board of control for the Bureau of Standards. The members of the board of control shall serve without salary~~.

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

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

The ~~board of control~~ Director shall have charge and control of the standard methods of weighing, measuring, and testing in this state. The ~~board of control~~ Director shall maintain the standards in good order and shall submit a set of standards called the reference standards to the National Institute of Standards and Technology (NIST) for certification.

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

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

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

Section 14-5. The ~~board of control~~ State Board of Agriculture shall establish fees for all tests and certifications made by the Bureau of Standards. The fees shall in no case exceed those established for similar work by the National Institute of Standards and Technology. The fees collected shall be deposited with the State Treasurer in the State Department of Agriculture Revolving Fund.

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

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

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

Section 1202. As used in this act: (1) the term "forester" means a person who, by reason of his knowledge of the natural sciences, mathematics, and the principles of forestry, acquired by forestry education, as set forth in Section 12, (1) of this act, and/or practical experience is qualified to engage in the practice of professional forestry as hereinafter defined; (2) the term "registered forester" means a person who has been licensed pursuant to the act; (3) the term "practice of professional forestry" means professional forestry services, including but not limited to consultation, investigation, evaluation, planning, or responsible supervisions of any forestry activities when such professional services require the application of forestry principles and techniques; and (4) the term ~~"Board"~~ "Department" means the ~~State Board of Registration for registered foresters~~ Oklahoma Department of Agriculture, Food, and Forestry.

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

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

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

Section 1211. A roster showing the names and places of business of all registered foresters qualified according to the provisions of this act shall be prepared by the ~~secretary of the Board~~ Department during the month of March of each year. Copies of ~~such~~ the roster shall be mailed to each person so registered, placed on file with the Secretary of State and made available to the public upon request.

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

Section 1212. (A) ~~The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified~~

~~for registration as a registered forester: (1) Graduation from a university or college with a curriculum in forestry acceptable to the Board, including one three-credit course in each of the following subjects: silviculture, forest protection, forest management, forest economics, and forest utilization; and a record of an additional two (2) years' or more experience in forestry work of a character satisfactory to the Board, and indicating that the applicant is competent to practice professional forestry; or (2) successfully passing an examination designed to show knowledge approximation as obtained through graduation from an acceptable four-year curriculum in foresty, and a record of four (4) years or more of active practice in forestry work of a character satisfactory to the Board, and indicating that the applicant is competent to practice professional forestry; provided, that after five (5) years from the effective date of this act no~~ No person shall qualify as a registered forester unless ~~such~~ the person ~~shall have~~ graduated from a university or college with a curriculum in forestry acceptable to the ~~Board~~ Department, and who has a record of an additional two (2) years or more of experience in forestry work of a character satisfactory to the ~~Board~~ Department, and indication that the applicant is competent to practice professional forestry.

(B) No person shall be eligible for registration as a registered forester who is not of good character and reputation. The completion of the junior year of a curriculum in forestry in a university or

college acceptable to the ~~Board~~ Department shall be considered as equivalent to two (2) years of the practice of professional forestry; the completion of the senior year of a curriculum in forestry, without graduation, in a university or college acceptable to the ~~Board~~ Department shall be considered as equivalent to three (3) years of the practice of professional forestry.

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

Section 1213. Applications for registration shall be made on forms prescribed and furnished by the ~~Board~~ Department, shall contain statements made under oath as to citizenship, residence, and the applicant's education and detailed summary of ~~his~~ the applicant's technical work, and shall contain the names of not less than five persons, of whom three or more shall be forestry school graduates, having personal or professional knowledge of ~~his~~ the applicant's forestry experience. The forms shall also contain a code of ethics prepared and approved by the ~~Board~~ Department essentially conforming to the code of ethics of the Society of American Foresters. The registration fee for a certificate as a "licensed forester" shall be fixed by the Board but not to exceed Twenty-five Dollars ($25.00), one-half (1/2) of which fee shall accompany the application, the balance to be paid before issuance of the certificate. Should the applicant fail or refuse to remit the said remaining balance within thirty (30) days after being notified

by ~~registered~~ mail that the applicant has successfully qualified, the applicant shall forfeit the right to have a certificate so issued and ~~said~~ the applicant may be required to again submit an original application and pay an original fee therefor. Should the ~~Board~~ Department deny the issuance of a certificate of registration to any applicant, the fee deposited shall be retained by the ~~Board~~ Department as an application fee.

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

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

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

Section 1215. The ~~Board~~ Department shall issue a license upon payment of the registration fee as provided for in this act to any applicant who, in the opinion of the ~~Board~~ Department, has satisfactorily met all the requirements of the act. Licenses shall

show the full name of the registrant, shall have a serial number, and shall be signed by the chairman and secretary of the ~~Board~~ Department under seal of the Board. The issuance of a license by the ~~Board~~ Department shall be evidence that the person named therein is entitled to all the rights and privileges of a licensed forester while the said license remains unrevoked or unexpired. Plans, maps, specifications, and reports issued by a registrant shall be endorsed with ~~his~~ the registrant's name and license number. It shall be a misdemeanor for anyone to endorse any plan, specifications, estimate, or map unless ~~he shall have~~ the registrant actually prepared ~~such~~ the plan, specification, estimate, or map or ~~shall have been~~ was in ~~the~~ actual charge of the preparation ~~and/~~or responsible therefor.

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

Section 1216. Licenses shall expire one (1) year after the date of their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the ~~secretary of the Board~~ Department to notify, at ~~his~~ the registrant's last-registered address, every person registered under this act of the date of the expiration of his license and the amount of the fee that shall be required for its renewal for one (1) year; such notice shall be mailed at least one (1) month in advance of the date of the expiration of said license. The fee for renewal of licenses shall

not exceed Ten Dollars ($10.00). The ~~Board~~ Department shall make an exception to the foregoing renewal provisions in the case of a person while on active duty in any of the armed forces of the United States.

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

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

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

Section 1220. Any person who shall practice or offer to practice the profession of forestry as a registered forester in this

state, without being registered in accordance with the provisions of this act, or any person who shall use ~~in connection with his name~~ or otherwise assume, use, or advertise any title or description tending to convey the impression that ~~he~~ the person is a registered forester, without being registered in accordance with the provisions of this act, or any person who shall present or attempt to use as ~~his own~~ the license of another, or any person who shall give any false or forged evidence of any kind to the ~~Board~~ Department, or any member thereof, in obtaining a license, or any person who shall attempt to use an expired or revoked license, or any person, firm, partnership, or corporation who shall violate any of the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than One Hundred Dollars ($100.00) or more than Five Hundred Dollars ($500.00), and such monies shall be ~~impounded~~ collected by the ~~Board~~ Department. The ~~Board~~ Department, or such person or persons as may be designated by the ~~Board~~ Department to act in its stead, is empowered to prefer charges for any violations of this act in any court of competent jurisdiction. It shall be the duty of all duly constituted officers of the law of this state to enforce the provisions of this act and to prosecute any persons, firms, partnerships, or corporations violating the same. ~~The Attorney General of the state or his designated assistant shall act as legal advisor of the Board and~~

~~render such assistance as may be necessary in carrying out the provisions of this act.~~

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

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

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

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

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

4. "Qualified economic development project" means:

a. the development, construction, restoration, or replacement of a physical facility located or to be located in a rural area of this state, which has been initiated by a participating financial institution

which has been certified by the ~~Rural Economic Development Loan Program Review Board pursuant to the provisions of paragraph 3 of subsection B of Section 90.4 of this title~~ Department, and

b. the commencement or expansion of economic activities that result in or that will, within three (3) years of the commencement of such activities, result in the employment of five (5) or more full-time-equivalent employees at a location in a rural area of this state in positions that did not exist prior to the commencement of such activities and which has been certified by the ~~Rural Economic Development Loan Program Review Board pursuant to the provisions of paragraph 3 of subsection B of Section 90.4 of this title~~ Department; and

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

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

Section 90.3 There is hereby created the Rural Economic Development Loan Program. The ~~Commissioner~~ Oklahoma Department of Agriculture, Food, and Forestry shall administer the Program, under which reduced rate loans may be made by participating financial institutions, ~~after approval by the Rural Economic Development Loan~~

~~Program Review Board,~~ to finance qualified economic development projects from the Rural Economic Development Loan Revolving Fund created in Section 90.8 of this title. The ~~Commissioner~~ Department shall promulgate rules and take such other actions as may be necessary to implement the Program and monitor compliance of participating financial institutions and loan applicants and recipients.

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

Section 90.5 A. A participating financial institution that desires to make a rural economic development loan shall accept and review applications for loans in connection with qualified economic development projects. A package of more than one rural economic development loan may be developed by a development company certified by the U.S. Small Business Administration or a political subdivision of this state or an agency thereof, and such entity may submit an application for one or more loans. The financial institution shall apply all usual lending standards and shall exercise due diligence to determine the creditworthiness of each applicant and to determine if the loan should be granted. Loans made under the Rural Economic Development Loan Act shall conform to the following conditions:

1. The maximum amount of loans under the Rural Economic Development Loan Act in connection with a particular qualified economic development project shall be determined by need in the

rural area in which the project is located and the number of jobs created. The Oklahoma ~~Rural Economic Development Loan Program Review Board~~ Department of Agriculture, Food, and Forestry shall have final decision-making authority as to the maximum amount of each loan;

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

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

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

5. No loan shall be made to any employee of the Oklahoma Department of Agriculture, Food, and Forestry or ~~members of the Oklahoma Rural Economic Development Loan Program Review Board or~~ to any entity in which any such employee or member maintains a controlling interest;

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

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

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

C. Upon receipt of a completed rural economic development loan application, the ~~Commissioner~~ Department shall forward the loan application to the ~~Board, the~~ Oklahoma Tax Commission, and the Oklahoma Employment Security Commission. The Board shall review the loan package to determine if the loan requested meets the requirements set forth under the Rural Economic Development Loan Act. Within ten (10) days of receipt of the loan package, the Oklahoma Tax Commission and the Oklahoma Employment Security Commission shall determine and certify ~~with the Board~~ whether or not the applicant is in good standing. The ~~Board~~ Department shall make

a recommendation concerning the application ~~at~~ to the ~~next regularly scheduled~~ State Board ~~meeting or at a special Board meeting~~ of Agriculture, after receipt of the responses from the Oklahoma Tax Commission and the Oklahoma Employment Security Commission. No applicant ~~will~~ shall be approved without certification of good standing with the Oklahoma Tax Commission and Oklahoma Employment Security Commission. ~~The Board shall return the application to the Commissioner with a written recommendation of approval or rejection. If the Board recommends rejection, the written recommendation shall include reasons therefor. The Board shall forward a copy of its rejection notice to the financial institution and the applicant. The Commissioner shall keep a chronological list of applications forwarded by the Board for approval or rejection.~~ Rejected applications may be resubmitted after reasons for rejection have been addressed.

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

Section 90.6 A. Loans made pursuant to applications approved by the ~~Oklahoma Rural Economic Development Loan Program Review Board~~ Department shall be subject to the availability of funds pledged to the Rural Economic Development Loan Revolving Fund, and if a loan is not funded for such reason, it shall be funded in the order of the priority given each loan application by the ~~Board~~ Department.

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

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

D. The ~~Commissioner~~ Department may retain in the Rural Economic Development Loan Fund an amount not to exceed two percent (2%) of the total amount of a loan. Amounts retained pursuant to the

provisions of this subsection may be expended by the ~~Commissioner~~ Department for costs associated with administration of this act and may be paid by the State Treasurer to a development company certified by the U.S. Small Business Administration or a political subdivision of this state or agency thereof for costs associated with developing a loan package if all loans in the package are approved pursuant to the provisions of this act.

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

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

G. Neither the State of Oklahoma nor the ~~Commissioner~~ Department shall be liable to any participating financial

institution in any manner for payment of the principal or interest on a rural economic development loan.

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

Section 90.8 There is hereby created in the State Treasury a revolving fund for the ~~Commissioner~~ Oklahoma Department of Agriculture, Food, and Forestry to be designated the "Rural Economic Development Loan Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the ~~Commissioner~~ Department as provided in the Rural Economic Development Loan Act. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the ~~Commissioner~~ Department for the purpose of implementing the Rural Economic Development Loan Act. 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 the Office of Management and Enterprise Services for approval and payment.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 35. REPEALER 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) are hereby repealed.

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

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

54-1-6567 AMM 01/09/13