

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1460

By: Patzkowsky of the House

and

Howard of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to agriculture; amending 2 O.S. 2021,
12 Sections 18-308 and 18-309, which relate to the
13 Oklahoma Wheat Resources Act; removing fixed fee rate
14 for a bushel of wheat; providing that the Oklahoma
15 Wheat Association shall assess a fee upon all
16 marketed wheat; providing that a referendum may be
17 called to determine continuation of the fee assessed
18 by the Oklahoma Wheat Association; and providing an
19 effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2021, Section 18-308, is
amended to read as follows:

Section 18-308. A. ~~There is hereby assessed~~ The Oklahoma Wheat
Association shall assess a fee of ~~two cents (\$0.02) per bushel~~ upon
all wheat marketed by wheat producers in this state and sold through
commercial channels. The fee is assessed and imposed on the

1 producer at the time of sale or delivery, and shall be collected and
2 remitted by the first purchaser to the Oklahoma Wheat Commission.
3 Under the provisions of the Oklahoma Wheat Resources Act, no wheat
4 shall be subject to a fee more than once.

5 B. The Commission shall allocate twenty percent (20%) of the
6 ~~two-cent~~ fee levied and collected pursuant to subsection A of this
7 section to the Oklahoma Wheat Research Foundation for the purpose of
8 conducting wheat research, including, but not limited to,
9 utilization and educational projects, less the cost of collecting
10 the fee, such cost not to exceed fifty percent (50%) of the total of
11 the office rental and clerical costs, and the costs of supplies and
12 postage and such cost to be prorated on the basis of eighty percent
13 (80%) to the Commission and twenty percent (20%) to the Oklahoma
14 Wheat Research Foundation.

15 C. In order for the Oklahoma Wheat Research Foundation to
16 qualify for the allocation of twenty percent (20%) of collected
17 fees, the Commission shall appoint a member of the Oklahoma Wheat
18 Commission to the Oklahoma Wheat Research Foundation board of
19 directors.

20 D. Any unexpended balance contained in the revolving fund
21 designated for the Wheat Utilization, Research and Market
22 Development Commission as of November 1, 2016, shall be transferred
23 and deposited to the credit of the General Revenue Fund of the State
24 Treasury.

1 SECTION 2. AMENDATORY 2 O.S. 2021, Section 18-309, is
2 amended to read as follows:

3 Section 18-309. A. Producers may petition for a referendum at
4 any time after five (5) years following the effective date of the
5 Oklahoma Wheat Resources Act to determine if the assessment is to be
6 continued.

7 B. The ~~President~~ Commissioner of the State Board of Agriculture
8 shall call and conduct a referendum if the petitions bear signatures
9 of ten percent (10%) of the wheat producers. No more than one such
10 referendum shall be conducted in any one thirty-six-month period.
11 The State Board of Agriculture shall determine if the petition bears
12 the required number of valid signatures. The ~~President~~ Commissioner
13 shall announce the referendum at least thirty (30) days prior to the
14 day of voting. At least thirty (30) days before the referendum, the
15 ~~President~~ Commissioner shall mail a notice of the referendum to all
16 known wheat producers in the State of Oklahoma who market wheat in
17 commercial quantities. The notice shall specify the dates, times,
18 and places for holding the referendum. The notice shall also
19 include a sample ballot with the following wording:

20 DO YOU FAVOR A CONTINUATION OF THE ~~20 MILL PER BUSHEL~~ FEE
21 ASSESSMENT ON WHEAT MARKETED IN OKLAHOMA FOR UTILIZATION,
22 RESEARCH AND MARKET DEVELOPMENT?

23 YES () NO ()

24

1 C. Places within each county for conducting the referendum
2 shall be designated by the Agricultural Extension Division of
3 Oklahoma State University. Voting in each county shall be
4 supervised by the county agricultural extension agent, or a person
5 designated by the Extension Division in cases where there is no
6 county agent in a county at the time of the referendum.

7 D. The Oklahoma Wheat Commission shall ensure sufficient
8 ballots and supplies necessary for conducting the voting and the
9 tabulation of returns.

10 E. Certified results of the referendum in each county shall be
11 transmitted within twenty-four (24) hours after voting ends to the
12 President of the State Board of Agriculture. The ballots shall be
13 transmitted to the President within forty-eight (48) hours. Ballots
14 shall be preserved by the President for a period of at least three
15 (3) months.

16 F. The results of the referendum shall be determined by the
17 President and the results certified to the Governor, who shall issue
18 a proclamation declaring the results.

19 G. The Commission shall bear expenses of advertising and
20 conducting the referendum.

21 H. Whenever the question of levying the assessments is
22 disapproved, by failure of sixty percent (60%) of the producers
23 voting in the referendum to favor continuation of the assessments,
24 the proclamation declaring the result shall provide for the

1 termination of the assessments on April 30, following the date of
2 the referendum.

3 I. Thirty (30) days after termination of the assessment, all
4 remaining funds of the Commission shall be transferred to the
5 Experiment Stations of Oklahoma State University, to be used for
6 continued research on wheat.

7 SECTION 3. This act shall become effective November 1, 2023.

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9 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE, dated 02/22/2023 - DO
10 PASS, As Amended and Coauthored.

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