

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 ENGROSSED SENATE
5 BILL NO. 488

By: Howard of the Senate

and

6 Patzkowsky of the House
7

8
9 An Act relating to the Oklahoma Wheat Resources Act;
10 amending 2 O.S. 2021, Section 18-308, which relates
11 to assessment and allocation of certain fee;
12 requiring the Oklahoma Wheat Commission to assess a
13 certain fee; amending 2 O.S. 2021, Section 18-309,
14 which relates to the referendum to determine
15 continuation of certain fee; modifying certain
16 referendum question; and providing an effective date.

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

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

20 Section 18-308. A. ~~There is hereby assessed~~ The Oklahoma Wheat
21 Commission shall assess a fee ~~of two cents (\$0.02) per bushel~~ upon
22 all wheat marketed by wheat producers in this state and sold through
23 commercial channels. The fee is assessed and imposed on the
24 producer at the time of sale or delivery, and shall be collected and
remitted by the first purchaser to the Oklahoma Wheat Commission.

1 Under the provisions of the Oklahoma Wheat Resources Act, no wheat
2 shall be subject to a fee more than once.

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

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

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

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

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

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

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

21 YES () NO ()

22 C. Places within each county for conducting the referendum
23 shall be designated by the Agricultural Extension Division of
24 Oklahoma State University. Voting in each county shall be

1 supervised by the county agricultural extension agent, or a person
2 designated by the Extension Division in cases where there is no
3 county agent in a county at the time of the referendum.

4 D. The Oklahoma Wheat Commission shall ensure sufficient
5 ballots and supplies necessary for conducting the voting and the
6 tabulation of returns.

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

13 F. The results of the referendum shall be determined by the
14 President and the results certified to the Governor, who shall issue
15 a proclamation declaring the results.

16 G. The Commission shall bear expenses of advertising and
17 conducting the referendum.

18 H. Whenever the question of levying the assessments is
19 disapproved, by failure of sixty percent (60%) of the producers
20 voting in the referendum to favor continuation of the assessments,
21 the proclamation declaring the result shall provide for the
22 termination of the assessments on April 30, following the date of
23 the referendum.

24

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

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

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7 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE, dated 04/11/2023 - DO
8 PASS.

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