

1 **SENATE FLOOR VERSION**

2 February 13, 2023

3 SENATE BILL NO. 488

By: Howard

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5
6 An Act relating to the Oklahoma Wheat Resources Act;
7 amending 2 O.S. 2021, Section 18-308, which relates
8 to assessment and allocation of certain fee;
9 requiring the Oklahoma Wheat Commission to assess a
10 certain fee; amending 2 O.S. 2021, Section 18-309,
11 which relates to the referendum to determine
12 continuation of certain fee; modifying certain
13 referendum question; and providing an effective date.

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

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

17 Section 18-308. A. ~~There is hereby assessed~~ The Oklahoma Wheat
18 Commission shall assess a fee of two cents (\$0.02) per bushel upon
19 all wheat marketed by wheat producers in this state and sold through
20 commercial channels. The fee is assessed and imposed on the
21 producer at the time of sale or delivery, and shall be collected and
22 remitted by the first purchaser to the Oklahoma Wheat Commission.
23 Under the provisions of the Oklahoma Wheat Resources Act, no wheat
24 shall be subject to a fee more than once.

B. The Commission shall allocate twenty percent (20%) of the
~~two-cent~~ fee levied and collected pursuant to subsection A of this

1 section to the Oklahoma Wheat Research Foundation for the purpose of
2 conducting wheat research, including, but not limited to,
3 utilization and educational projects, less the cost of collecting
4 the fee, such cost not to exceed fifty percent (50%) of the total of
5 the office rental and clerical costs, and the costs of supplies and
6 postage and such cost to be prorated on the basis of eighty percent
7 (80%) to the Commission and twenty percent (20%) to the Oklahoma
8 Wheat Research Foundation.

9 C. In order for the Oklahoma Wheat Research Foundation to
10 qualify for the allocation of twenty percent (20%) of collected
11 fees, the Commission shall appoint a member of the Oklahoma Wheat
12 Commission to the Oklahoma Wheat Research Foundation board of
13 directors.

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

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

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

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

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

17 YES () NO ()

18 C. Places within each county for conducting the referendum
19 shall be designated by the Agricultural Extension Division of
20 Oklahoma State University. Voting in each county shall be
21 supervised by the county agricultural extension agent, or a person
22 designated by the Extension Division in cases where there is no
23 county agent in a county at the time of the referendum.

24

1 D. The Oklahoma Wheat Commission shall ensure sufficient
2 ballots and supplies necessary for conducting the voting and the
3 tabulation of returns.

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

10 F. The results of the referendum shall be determined by the
11 President and the results certified to the Governor, who shall issue
12 a proclamation declaring the results.

13 G. The Commission shall bear expenses of advertising and
14 conducting the referendum.

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

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

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

2 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS
3 February 13, 2023 - DO PASS
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