

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 365

BY: MUEGGE

AS INTRODUCED

AN ACT RELATING TO AGRICULTURE; ENACTING THE SHEEP AND WOOL PROMOTION ACT; PROVIDING SHORT TITLE; PROVIDING LEGISLATIVE INTENT; DEFINING TERMS; CREATING THE OKLAHOMA SHEEP AND WOOL COMMISSION; PROVIDING FOR MEMBERSHIP AND REMOVAL; PROVIDING FOR CERTAIN POWERS, DUTIES AND RESPONSIBILITIES; PROVIDING FOR CERTAIN MEETINGS AND OFFICERS; REQUIRING CERTAIN ASSESSMENTS; PROVIDING PROCEDURES; PROVIDING PENALTIES; PROVIDING FOR CERTAIN REFUNDS; PROVIDING FOR A REFERENDUM AND PROCEDURES THERETO; CREATING THE SHEEP AND WOOL PROMOTION REVOLVING FUND; ALLOWING CERTAIN INVESTMENTS; REPEALING 2 O.S. 1981, SECTIONS 1501, 1502, AS LAST AMENDED BY SECTION 4, CHAPTER 225, O.S.L. 1988, 1503, 1504 AND 1505, AS AMENDED BY SECTIONS 1, 2 AND 3, CHAPTER 93, O.S.L. 1984, 1506, 1507, 1508, 1509, AS AMENDED BY SECTION 5, CHAPTER 93, O.S.L. 1984, 1510, AS AMENDED BY SECTION 6, CHAPTER 93, O.S.L. 1984, 1511, 1512, 1513, AS AMENDED BY SECTION 2, CHAPTER 34, O.S.L. 1982 AND SECTION 4, CHAPTER 93, O.S.L. 1984 (2 O.S. SUPP. 1990, SECTIONS 1502, 1503, 1504, 1505, 1508.1, 1509, 1510 AND 1513), WHICH RELATE TO THE OKLAHOMA

SHEEP AND WOOL PRODUCERS ACT; PROVIDING FOR
CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1270 of Title 2, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 11 of this act shall be known and may be cited as the "Sheep and Wool Promotion Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1271 of Title 2, unless there is created a duplication in numbering, reads as follows:

It is the intent of the Legislature to:

1. Provide programs to increase the consumption of lamb and the use of wool, maintain present markets, and create new and larger markets for live sheep and sheep products; and
2. Support research and educational activities concerning the sheep and wool industry.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1272 of Title 2, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Sheep and Wool Promotion Act unless the context otherwise requires:

1. "Commission" means the Oklahoma Sheep and Wool Commission;
2. "Person" means any individual, partnership, association, corporation, cooperative or other business enterprise;
3. "Sheep" means sheep raised for both meat and wool;
4. "Sheep and wool producer" means any person engaged in the production of sheep or wool;

5. "Sheep feeder" means any person engaged in the fattening of sheep for slaughter;

6. "Livestock auction market" means any establishment where livestock is offered for sale at a public auction, including farm auctions and special auctions;

7. "Livestock auction market operator" means the owner or any person having charge or control of a livestock auction market;

8. "Sheep or wool buyer" means any person engaged in the business of buying sheep or wool either direct or on order, including packer buyers who buy sheep for slaughter; and

9. "Marketing agency" means any person engaged in the sale of sheep or wool for a fee.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1273 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Sheep and Wool Commission. The President of the State Board of Agriculture shall make, with the approval of the Governor, the appointments to this Commission from names submitted from statewide organizations of producers and other entities of the sheep industry including individual producers. No organization or individual shall submit more than three names to the President of the State Board of Agriculture. The Commission shall be composed of five (5) members consisting of sheep and wool producers. The members of the Commission shall be at least twenty-five (25) years of age, residents of the state and shall have had at least five (5) years of active experience in the sheep industry prior to their appointment. A member may not be a member of any other state board.

B. The members of the first Commission shall serve the following terms: One member for one (1) year, two members for two (2) years and two members for three (3) years. Thereafter, the terms of the Commission members shall be for two (2) years and until

their successors are appointed and qualified. Vacancies which may occur in the membership of the Commission shall be filled by appointment by the President of the State Board of Agriculture. Each person who has been appointed to fill a vacancy shall serve for the remainder of the term for which the member whom he will succeed was appointed. Members of the Commission may be removed from office by the President of the State Board of Agriculture for inefficiency, neglect of duty or malfeasance in office in the manner provided by law for the removal of officers not subject to impeachment.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1274 of Title 2, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Sheep and Wool Commission shall have the following powers, duties and responsibilities:

1. To administer and enforce the provisions of the Oklahoma Sheep and Wool Promotion Act;
2. To elect a chairman and such other officers as the Commission deems advisable;
3. To employ personnel as shall be deemed necessary to carry out the purpose and provisions of the Oklahoma Sheep and Wool Promotion Act, determine their duties and fix their compensation;
4. To prescribe those rules and regulations as it may deem necessary or expedient in the performance of its duties, provided, that the Commission shall be subject to the provisions of the Administrative Procedures Act;
5. To establish by resolution a headquarters which shall continue as such until the Commission authorizes a change;
6. To deposit any funds received in the "Sheep and Wool Promotion Revolving Fund";
7. To contract for experimental work, research projects, studies, supplies and other services necessary to carry out the purposes of the Oklahoma Sheep and Wool Promotion Act, and incur

those expenses necessary to carry out the purposes of the Oklahoma Sheep and Wool Promotion Act. A reasonable amount of funds shall be expended in this state for research in sheep and wool promotion and production as determined by the Commission. No funds shall be expended in any political campaign or for the purpose of influencing legislation;

8. To keep accurate records of all financial transactions performed pursuant to the Oklahoma Sheep and Wool Promotion Act. These records shall be audited annually by the State Auditor and Inspector, the cost of the audit to be paid by the Commission;

9. To cooperate with any private, local, state or national commission, organization, agency or group and to make contracts and agreements for joint programs beneficial to the sheep and wool industry of Oklahoma;

10. To accept donations, grants, contributions and gifts from any public or private source and deposit such in the Sheep and Wool Promotion Revolving Fund; and

11. To approve or disapprove the investment of any monies in the Sheep and Wool Promotion Revolving Fund pursuant to Section 11 of this act.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1275 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. There shall be an annual meeting of the Oklahoma Sheep and Wool Commission at which an annual report and proposed budget shall be presented to the President of the State Board of Agriculture. The Commission shall, at the call of the chairperson, hold at least three other regular meetings each year. The chairperson shall establish the time, manner and place of all meetings and shall give notice of such meetings to the members. All meetings shall be in accord with the Oklahoma Open Meeting Law. A majority of the

members shall constitute a quorum for the transaction of any business.

B. The President of the State Board of Agriculture or a designee shall act as Executive Secretary of the Oklahoma Sheep and Wool Commission and shall carry out the provisions of the Oklahoma Sheep and Wool Promotion Act. The Department of Agriculture shall be paid ten percent (10%) of the gross receipts of the Oklahoma Sheep and Wool Commission as compensation for the duties of the President of the State Board of Agriculture while acting in the capacity of Executive Secretary of the Oklahoma Sheep and Wool Commission.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1276 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Sheep and Wool Commission is hereby authorized to levy on each person selling sheep for slaughter within or from this state an assessment of twenty-five cents (\$0.25) per head of sheep sold, including direct shipments from ranchers. In addition, the Oklahoma Sheep and Wool Commission is hereby authorized to levy on each person, selling wool within or from this state an assessment of two cents (\$0.02) per pound of wool sold, including direct shipments from ranchers.

B. The assessments provided for in this section shall be collected by livestock auction market operators, sheep and wool buyers, marketing agencies, packing houses, slaughter plants, and wool co-ops by deducting the assessment from any credit given or payment made to the person selling the sheep or wool at the time the credit is given or payment is made.

C. All assessments collected shall be remitted to the Oklahoma Sheep and Wool Commission within ten (10) days following the last working day of the month in which the assessments were received. Any person who sells sheep or wool from this state outside the state

or to an out-of-state buyer shall remit assessments collected to the Commission within thirty (30) days of the sale. The assessments shall be accompanied by remittance forms as prescribed and furnished by the Commission.

D. All monies received by the Commission shall be remitted by the Commission to the State Treasurer for deposit in the Sheep and Wool Promotion Revolving Fund and shall be disbursed as provided in this act.

E. Any livestock auction market operator, sheep or wool buyer, marketing agency, packing house or slaughter plant, or any person who sells sheep for slaughter or wool from this state outside of the state or to an out-of-state buyer who fails to remit the assessments as required by this section, upon conviction, shall be guilty of a misdemeanor. Assessments unpaid on the date on which they are due shall be increased by a ten-percent nonrefundable penalty on the amount of the assessment. Any penalties collected shall be remitted by the Commission to the State Treasurer as provided in subsection D of this section.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1277 of Title 2, unless there is created a duplication in numbering, reads as follows:

Any person who has made payment of assessments under the provisions of the Oklahoma Sheep and Wool Promotion Act may request and receive a refund, provided that a request for such refund is made within ninety (90) days after the remittance of such assessments. Upon receipt of the refund request, the Commission must make the refund payment within ninety (90) days or a ten percent (10%) penalty must be paid by the Commission to the rancher making the refund request. Applications for refunds shall be made by the seller in such form as shall be required by the Commission, and shall provide the Commission with sufficient information to identify such assessments.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1278 of Title 2, unless there is created a duplication in numbering, reads as follows:

Producers may petition for a referendum to determine if the assessment is to be continued, at any time after five (5) years following the effective date of this act. The President of the State Board of Agriculture shall call and conduct a referendum if said petitions bear signatures of ten percent (10%) of the sheep and wool producers as defined herein. No more than one such referendum shall be conducted in any one thirty-six-month period. The State Board of Agriculture shall determine if the petition bears the required number of valid signatures. The President of the State Board of Agriculture shall announce the referendum at least thirty (30) days prior to the day of voting. At least thirty (30) days before the referendum the President of the State Board of Agriculture shall mail a notice of said referendum to all known sheep and wool producers in the State of Oklahoma who market sheep and wool in commercial quantities. The notice shall specify the dates, times and places for holding the referendum and shall include a sample ballot with the following wording:

1. DO YOU FAVOR A CONTINUATION OF THE TWENTY-FIVE CENTS PER HEAD ASSESSMENT ON SLAUGHTER SHEEP MARKETED IN OKLAHOMA FOR UTILIZATION, RESEARCH AND MARKET DEVELOPMENT?

YES () NO ()

2. DO YOU FAVOR A CONTINUATION OF THE TWO CENTS PER POUND ASSESSMENT ON WOOL MARKETED IN OKLAHOMA FOR UTILIZATION, RESEARCH AND MARKET DEVELOPMENT?

YES () NO ()

Places within each county for conducting said referendum shall be designated by the Agricultural Extension Division of Oklahoma State University, and voting in each county shall be supervised by the county agricultural extension agent, or person designated by the

Extension Division in cases where there is no county agent in a county at the time of the referendum. The Commission shall ensure sufficient ballots and supplies necessary for the conduct of the voting and tabulation of returns. Certified results of the referendum in each county shall be transmitted within twenty-four (24) hours after voting ends to the President of the State Board of Agriculture and the ballots themselves shall be transmitted to the President within forty-eight (48) hours. Ballots shall be preserved by the President for a period of at least three (3) months.

The results of the referendum shall be determined by the President of the State Board of Agriculture and the results certified to the Governor, who shall issue a proclamation declaring the results.

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

Whenever the question of levying the assessments is disapproved, by failure of a majority of the producers voting in the referendum to favor continuation of the assessments, the proclamation declaring the result shall provide for the termination of the assessments on April 30, following the date of said referendum.

Thirty (30) days after termination of the assessment, all remaining funds of the Commission shall be transferred to the Experiment Stations of Oklahoma State University, to be used for continued research on sheep and wool production and/or marketing.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1279 of Title 2, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Oklahoma Sheep and Wool Commission to be designated the "Sheep and Wool Promotion Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Sheep and Wool

Commission from assessments, penalties, donations, grants, contributions, gifts and any other public or private source. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Sheep and Wool Commission for the purposes of providing the payment of any necessary expenses pursuant to the Oklahoma Sheep and Wool Promotion Act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1280 of Title 2, unless there is created a duplication in numbering, reads as follows:

By order of the President of the State Board of Agriculture, with approval of the members of the Oklahoma Sheep and Wool Commission, any of the monies in the Sheep and Wool Promotion Revolving Fund may be invested in securities of the state or federal government. The monies may also be deposited in certificates of deposit or in savings accounts or savings certificates of any bank, trust company, credit unions, or savings and loan association insured by a federal agency. These securities, certificates of deposit, savings accounts or savings certificates shall be placed in the care of the State Treasurer, who shall collect the principal and interest when due and pay both into the Sheep and Wool Promotion Revolving Fund.

SECTION 12. REPEALER 2 O.S. 1981, Sections 1501, 1502, as last amended by Section 4, Chapter 225, O.S.L. 1988, 1503, 1504, and 1505, as amended by Sections 1, 2 and 3, Chapter 93, O.S.L. 1984, 1506, 1507, 1508, 1509, as amended by Section 5, Chapter 93, O.S.L. 1984, 1510, as amended by Section 6, Chapter 93, O.S.L. 1984, 1511, 1512, 1513, as amended by Section 2, Chapter 34, O.S.L. 1982 and Section 4, Chapter 93, O.S.L. 1984 (2 O.S. Supp. 1990, Sections

1502, 1503, 1504, 1505, 1508.1, 1509, 1510 and 1513), are hereby repealed.

SECTION 13. This act shall become effective September 1, 1991.

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