

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 108

By: Muegge

COMMITTEE SUBSTITUTE

An Act relating to the Oklahoma Wheat Commission;
amending 2 O.S. 1991, Section 1030, which relates
to certain assessment fee on wheat; increasing
assessment fee on wheat; modifying language;
providing for recall election; requiring petition;
specifying procedure; requiring certain notice;
requiring certification; requiring declaration of
results; providing for appointment of member to
fill remainder of term; repealing 2 O.S. 1991,
Section 1035, which relates to refunds; providing
for codification; providing an effective date; and
declaring an emergency.

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

SECTION 1. AMENDATORY 2 O.S. 1991, Section 1030, is
amended to read as follows:

Section 1030. A. There is hereby assessed a fee of
~~three-fourths cent (\$0.0075)~~ one cent (\$0.01) per bushel upon all
wheat marketed by wheat producers, as defined herein, in ~~the State~~
~~of Oklahoma~~ this state and sold through commercial channels,
~~beginning ninety (90) days after this act shall become effective.~~

The fee is assessed and imposed on the producer at the time of sale or delivery, and shall be collected and remitted by the first purchaser to the Commission. Under the provisions of this act, no wheat shall be subject to a fee more than once.

B. The Commission shall allocate twenty percent (20%) of the ~~three-fourths cent (\$0.0075)~~ one-cent fee levied and collected pursuant to subsection A of this section to the Oklahoma Wheat Research Foundation for the purpose of conducting wheat research, including utilization and educational projects, minus the cost of collecting the fee, such cost not to exceed fifty percent (50%) of the total of the office rental and clerical costs, and the costs of supplies and postage and such cost to be prorated on the basis of eighty percent (80%) to the Commission and twenty percent (20%) to the Oklahoma Wheat Research Foundation. In order for the Oklahoma Wheat Research Foundation to qualify for the allocation of twenty percent (20%) of collected fees, the Oklahoma Wheat Commission shall appoint a member of the Wheat Commission to the Oklahoma Wheat Research Foundation board of directors.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1027.1 of Title 2, unless there is created a duplication in numbering, reads as follows:

Any member of the Oklahoma Wheat Commission may be recalled for cause at a special election held for that purpose by the producers for their respective districts. The President of the State Board of Agriculture shall call and conduct a special recall election upon a written request signed by not less than ten percent (10%) of the producers of a district qualified to vote pursuant to Section 1024 of Title 2 of the Oklahoma Statutes. The State Board of Agriculture shall determine if the petition bears the required number of valid signatures. The President shall announce the recall election to members of the respective district at least thirty (30) days prior to the date of voting. At least thirty (30) days before the recall

election the President shall mail a notice of said recall to all known wheat producers in the respective district who market wheat in commercial quantities. The notice shall specify the dates, times, and places for holding the recall election.

Places within each county within the respective district for conducting said recall election 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 recall election. The Commission shall insure sufficient ballots and supplies necessary for the conduct of the voting and tabulation of returns. Certified results of the recall election 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 maintained by the President for a period of at least three (3) months.

The results of the recall election shall be determined by the President and certified to the Governor. The Governor shall issue a proclamation declaring the election results. The Commission shall bear expenses of advertising and conducting the special recall election.

All known wheat producers in the respective district who market wheat in commercial quantities shall be entitled to vote by secret ballot and, if sixty percent (60%) or more of those voting in such special recall election vote for recall, the member of the Commission designated in such recall petition request, notice and secret ballot shall cease to be a member of the Commission. The Governor shall appoint a member from the two remaining nominees on the list for the respective district provided pursuant to Section 1024 of Title 2 of the Oklahoma Statutes, to fill the remainder of

the term of the member so recalled. If the two remaining nominees are not able or willing to serve, another list of three nominees shall be forwarded to the Governor pursuant to the election procedures set forth in Section 1024 of Title 2 of the Oklahoma Statutes.

SECTION 3. REPEALER 2 O.S. 1991, Section 1035, is hereby repealed.

SECTION 4. This act shall become effective July 1, 1995.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-1-0876

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