

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1633

By: Benson of the House

and

Kerr of the Senate

AS INTRODUCED

An Act relating to agriculture; amending Section 9, Chapter 198, O.S.L. 1993 (2 O.S. Supp. 1996, Section 3-50.9), which relates to the Boll Weevil Eradication Act; requiring certain ballot information; requiring certain notice; requiring plan for expiring outstanding obligations; requiring continuation; requiring continuing lien; requiring superiority; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 9, Chapter 198, O.S.L. 1993 (2 O.S. Supp. 1996, Section 3-50.9), is amended to read as follows:

Section 3-50.9 A. At the request of the board of directors, the Department shall provide for a referendum among cotton growers upon the question of whether an assessment shall be levied upon cotton growers in the state to offset the cost of boll weevil eradication.

B. A public hearing regarding the proposed assessment shall be held in each of several locations within the state.

C. All cotton growers actively engaged in the production of cotton in the year of the calling of such referendum or who were actively engaged in production of cotton in any two (2) of the three (3) years immediately preceding the calling of the referendum shall be entitled to vote in any such referendum. The board of directors shall determine any questions of eligibility to vote.

D. The Department shall bear all reasonable expenses incurred in conducting a referendum. All such expenses shall be approved by the Commissioner prior to their being incurred.

E. The bylaws of the board of directors shall provide for referendum procedures.

F. The board of directors shall propose in the referendum the:

1. Maximum assessment to be paid by cotton growers by district;
2. Time for which the assessment will be levied; and
3. Method and manner of assessment.

G. An eligible cotton grower may vote only once in the referendum.

H. Ballots in a referendum may be mailed to a central location or may be cast personally by the cotton grower at a location or locations specified by the board of directors.

I. A referendum is approved if at least sixty percent (60%) of those voting vote in favor of the assessment.

J. If a boll weevil eradication referendum is approved, the board of directors shall collect the annual assessment from the cotton growers in the year such assessment is approved.

K. If the first assessment under this section is not approved, the board of directors may conduct one other referendum at state expense. Additional referenda may be conducted as necessary by the board of directors from any other funds available to the board of directors. Such other referenda shall not be held before the one

hundred twenty-first day after the date on which the last referendum on the same issue was held.

L. 1. After the passage of any referendum, the eligible voters shall be allowed, by subsequent referenda periodically to vote on whether to continue the assessments. All of the requirements for an initial referendum must be met in subsequent referenda except that any subsequent referenda, except as otherwise provided by subsection K of this section, shall be paid from any funds available to the organization.

2. For any referendum proposing to terminate the assessment, the ballots must inform the eligible voters that even though the termination of the assessment may be approved by the eligible voters, the assessment shall continue to be paid until all outstanding obligations of the district have been expired.

3. Upon the determination by the board of directors that the boll weevil assessment has been terminated, pursuant to this subsection, the board of directors shall provide notice of such termination to the Commissioner. Any such notice shall include documentation of the termination of the assessment and a plan for expiring all of the organization's outstanding obligations. In the event a referendum results in the termination of the eradication program, the assessment shall continue to be paid by the existing membership of the eradication district until any outstanding obligations are expired. Upon the completion of the expiration of all outstanding obligations of the organization, the board of directors shall file a financial final report with the Commissioner showing payment of such obligations.

M. 1. The Department or board of directors shall have a lien for the value of such assessment or treatment on the real property of the cotton grower in the district. The lien shall be superior and paramount, whether in time or not, to that of all persons having

an interest in such real property and shall continue until the total assessment, due and owing, is paid.

2. The Department or board of directors, as applicable, shall file and such lien shall be enforced as is otherwise provided by Chapters 3 and 5 of Title 42 of the Oklahoma Statutes.

SECTION 2. This act shall become effective July 1, 1997.

SECTION 3. 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.

46-1-6421

KSM