

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2994

By: Ferguson

AS INTRODUCED

An Act relating to the Oklahoma Wheat Commission;

amending 2 O.S. 1991, Sections 1030 and 1031, which relate to certain assessment fee on wheat; increasing assessment fee on wheat; modifying language relating to referendum; 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. AMENDATORY 2 O.S. 1991, Section 1031, is amended to read as follows:

Section 1031. 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 wheat 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 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 shall mail a notice of said referendum to all known wheat producers in the State of Oklahoma who market wheat 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:

DO YOU FAVOR A CONTINUATION OF THE ~~7 1/2 MILL~~ 8 MILL PER BUSHEL
ASSESSMENT ON WHEAT 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 insure 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 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 sixty percent (60%) 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 wheat.

SECTION 3. This act shall become effective July 1, 1998.

SECTION 4. 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.

46-2-9040

KSM