

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1197

By: Leist, Glover, Maddux,  
Matlock, Pope (Clay), and  
Turner

COMMITTEE SUBSTITUTE

An Act relating to agriculture; creating the Oklahoma Agriculture Enhancement and Diversification Act, the Oklahoma Agriculture Enhancement and Diversification Program and the Oklahoma Agriculture Enhancement and Diversification Advisory Board; authorizing establishment and administration by the Oklahoma State Board of Agriculture; providing for promulgation of rules; creating the Oklahoma Agriculture Enhancement and Diversification Fund; providing for deposits and expenditures; providing for contents of Fund; providing for applications and eligibility; setting certain preferences; prohibiting certain uses; providing for appointment of members; providing for qualifications and removal; providing for powers and duties; providing for reimbursement; 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 5-3.1 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. The provisions of this act shall be known and may be cited as the "Oklahoma Agriculture Enhancement and Diversification Act".

B. Pursuant to the Oklahoma Agriculture Enhancement and Diversification Act, there is hereby created the "Oklahoma Agriculture Enhancement and Diversification Program".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-3.2 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Agriculture is hereby authorized to establish and administer the Oklahoma Agriculture Enhancement and Diversification Program.

B. The purpose of the Oklahoma Agriculture Enhancement and Diversification Program is to promote and encourage the interests of agriculture through the allocation of funds, by grant or loan, to individuals, cooperatives and other agricultural interest groups to provide assistance to projects dealing with the development of new or expanded uses or both new and expanded uses of agricultural products, and to increase productivity, provide added value to agricultural products and benefit the agricultural producer.

C. The Program shall consist of the following categories:

1. Cooperative marketing grants and loans to be available to groups or individuals wishing to work together to develop or establish production, processing or marketing of agricultural products. The purpose of this category is to provide funding for promoting productivity, providing added value to agricultural products, stimulating and fostering agricultural diversification and encouraging processing innovations;

2. Marketing and utilization grants and loans to be used to assist in the development or implementation of sound domestic or foreign marketing plans for Oklahoma agricultural products, by-products, or new and better uses for existing agricultural products by the financing of marketing feasibility studies, business plans, and test marketing;

3. Farm diversification grants or loans to be used for projects dealing with the diversification of family farms or ranches to nontraditional crops, livestock, or on-farm, value-added processing of agricultural commodities; and

4. Basic and applied research grants and loans for business creation or expansion, or research which will likely lead to a marketable product through the focusing of research efforts on uses

and processing of Oklahoma agricultural products and by-products, including but not limited to:

- a. focused research which enhances the value of an agricultural product or by-product,
- b. feasibility studies,
- c. product development costs, and
- d. projects that are driven by an entrepreneur or the industry.

D. The State Board of Agriculture, with the advice and assistance of the Oklahoma Agriculture Enhancement and Diversification Advisory Board, shall promulgate rules governing the Oklahoma Agriculture Enhancement and Diversification Program.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-3.3 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created within the State Treasury a fund for the State Board of Agriculture to be designated the "Oklahoma Agriculture Enhancement and Diversification Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Board of Agriculture to implement and maintain the Oklahoma Agriculture Enhancement and Diversification Program.

B. The Oklahoma Agriculture Enhancement and Diversification Fund shall consist of:

1. Money received by the State Department of Agriculture in the form of gifts, grants, appropriations, reimbursements, donations, industry contributions, funds allocated by federal agencies for marketing, research and agricultural development programs and such other monies specifically designated for the Oklahoma Agriculture Enhancement and Diversification Program. All monies accruing to the credit of the Fund are hereby appropriated and may be budgeted and

expended by the State Board of Agriculture for the Oklahoma Agriculture Enhancement and Diversification Program; and

2. Interest attributable to investment of money in the Fund.

C. All donations or other proceeds received by the Department pursuant to the provisions of this section shall be deposited with the State Treasurer to be credited to the Oklahoma Agriculture Enhancement and Diversification Fund. Expenditures from the 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.

D. The monies deposited in the Fund shall at no time become part of the general budget of the Department or any other state agency. Except for any administration costs incurred in development and implementation of the Oklahoma Agriculture Enhancement and Diversification Program, no monies from the Fund shall be transferred for any purpose to any other state agency or any account of the State Board of Agriculture or Department or be used for the purpose of contracting with any other state agency or reimbursing any other state agency for any expense.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-3.4 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. The State Department of Agriculture shall require eligible applicants to submit information, forms and reports as are necessary to properly and efficiently administer the Oklahoma Agriculture Enhancement and Diversification Program.

B. Persons may apply to the Department of Agriculture for grant or loan funds to develop or implement research or marketing and utilization or farm diversification plans, in accordance with rules promulgated by the State Board of Agriculture. Applications for grant or loan funds shall be approved or denied by the Department in

accordance with criteria promulgated by the Board pursuant to the Oklahoma Agriculture Enhancement and Diversification Program.

C. The Commissioner may also allocate monies from the Fund to eligible applicants on a matching basis.

D. Grant or loan funds may be made available to eligible applicants pursuant to evaluation by the Department based on the following criteria:

1. Preference will be given to the applicants whose:
  - a. industrial and nonfood production processes utilize agricultural products,
  - b. food, feed and fiber products and uses are innovative and add to the value of agricultural products,
  - c. applications demonstrate a high probability of job creation and return-on-investment,
  - d. proposals feature research that is innovative as well as commercially plausible,
  - e. proposals demonstrate a high probability of rapid commercialization,
  - f. projects demonstrate a shared commitment for funding from other private or public sources or from the applicant,
  - g. proposals center efforts on nonurban locales,
  - h. principals are individuals, a group of individuals, or an individual on behalf of a group, to market a product or formulate or implement a marketing plan for products which have not been marketed through existing marketing cooperatives, rather than existing corporations,
  - i. proposals must have the potential to create additional income for the farm unit, and
  - j. proposals must contain new and innovative plans for marketing the product; and

2. Consideration shall not be given to applications for:
  - a. research or marketing plans which do not clearly meet the stated objectives of the Oklahoma Agriculture Enhancement and Diversification Act,
  - b. proposals which are aimed solely at business expansion or creation without regard to agricultural products utilization, and
  - c. research or marketing plans that cannot reasonably be expected to result in a viable commercial application, or that are or have been duplicated by other research efforts.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-3.5 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Agriculture Enhancement and Diversification Advisory Board.

B. 1. The members of the Advisory Board shall be appointed as follows:

- a. one member shall be appointed by the Speaker of the House of Representatives who shall be an agricultural lending officer from an Oklahoma-based lending institution,
- b. one member shall be appointed by the President Pro Tempore of the Senate from a farm credit institution,
- c. one member shall be appointed by the State Treasurer who shall have financial and agricultural business experience,
- d. one member shall be appointed by the Oklahoma Agricultural Cooperative Council who is an active coop manager or chief executive officer, and
- e. three members shall be appointed by the Governor from lists submitted by each of the state's three largest

farm organizations or commodity organizations. Each of these members must be actively engaged in farming or ranching.

2. The gubernatorial appointees shall serve terms of four (4) years. The remaining appointees shall serve terms of three (3) years.

3. The Secretary of Agriculture or designee, the Secretary of the Department of Commerce or designee, and the President of Oklahoma State University or designee, shall serve as ex officio members of the Advisory Board.

C. 1. Members of the Advisory Board shall serve at the pleasure of and may be removed from office by the appointing authority. Members shall continue to serve until their successors are appointed. Any vacancy shall be filled in the same manner as the original appointments. Six members shall constitute a quorum.

2. The Advisory Board shall elect a chair and a vice-chair from among its members. The Advisory Board shall meet as required to comply with its duties and responsibilities specified by the Oklahoma Agriculture Enhancement and Diversification Act and for such other purposes specified by law. Special meetings may be called by the chair or by the concurrence of any five members.

3. The Secretary of Agriculture shall call the first meeting of the Advisory Board.

D. The duties of the Advisory Board shall be to:

1. Ensure that all proposals that receive funds have the potential to directly benefit agricultural producers;

2. Evaluate proposals and recommend to the State Department of Agriculture the funding level, and the allocation of funds for the proposal;

3. Review interim and final reports, including but not limited to financial reports;

4. Review and make recommendations to the Legislature on any changes needed in the Oklahoma Agriculture Enhancement and Diversification Program;

5. Assist the Department in developing an annual report to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the State Board of Agriculture;

6. Make other written recommendations to the State Board of Agriculture which have been concurred upon by at least a majority of the membership of the Advisory Board; and

7. Provide a public forum for the discussion of issues it considers relevant to its area of jurisdiction, and to:

- a. pass nonbinding resolutions expressing the sense of the Advisory Board, and
- b. make recommendations to the State Board of Agriculture or the Department concerning the need and the desirability of conducting meetings, workshops and seminars.

D. Members of the Advisory Board shall serve without compensation but may be reimbursed expenses incurred in the performance of their duties, as provided in the State Travel Reimbursement Act. The Advisory Board is authorized to utilize the conference rooms of the Department of Agriculture and obtain administrative assistance from the Department, as required.

SECTION 6. This act shall become effective November 1, 1999.

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