

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1859

By: Wyrick of the Senate
and
DeWitt of the House

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An Act relating to agriculture; creating the Oklahoma Dairy Promotion Act; * * * creating the Oklahoma Dairy Promotion Commission; * * * providing for codification; and providing an effective date.

AUTHORS: Add the following House Coauthors: Jett and Shoemake

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill and insert

"An Act relating to agriculture; creating the Oklahoma Dairy Promotion Act; providing short title; defining terms; creating the Oklahoma Dairy Promotion Commission; providing for membership; stating qualifications for Commission members; authorizing election of officers; stating duties of the Commission; providing for travel reimbursement; providing for vacancies; providing for codification; and providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 18-43.1 of Title 2, unless there
3 is created a duplication in numbering, reads as follows:

4 This act shall be known and may be cited as the "Oklahoma Dairy
5 Promotion Act".

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 18-43.2 of Title 2, unless there
8 is created a duplication in numbering, reads as follows:

9 As used in the Oklahoma Dairy Promotion Act:

- 10 1. "Commission" means the Oklahoma Dairy Promotion Commission;
- 11 2. "Commissioner" means the Commissioner of Agriculture; and
- 12 3. "Producer" means every person in this state who produces
13 milk or cream from cows and thereafter causes the same to be
14 marketed as milk, cream, or other milk and dairy products and who
15 has been issued and possesses a valid current producer's permit,
16 issued by the Oklahoma Department of Agriculture, Food, and
17 Forestry.

18 SECTION 3. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 18-43.3 of Title 2, unless there
20 is created a duplication in numbering, reads as follows:

- 21 A. There is hereby created the Oklahoma Dairy Promotion
22 Commission. The Commission shall consist of an odd number of
23 members with no less than five (5) and no more than eleven (11)

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1 members who are actively engaged as producers in this state. The
2 Commissioner of Agriculture shall be an ex officio nonvoting member.

3 B. Members of the Commission shall be appointed by the
4 Commissioner from nominations received from agricultural dairy
5 cooperatives and independent producers. Nominations shall contain
6 the following information:

7 1. The name, address, and telephone number of the person
8 nominated;

9 2. The name, address, and telephone number of the person
10 submitting the nomination;

11 3. The manner in which the person nominated markets milk,
12 whether through a dairy cooperative or by direct sale; and

13 4. The signature of the person submitting the nomination.

14 C. The initial members of the Commission shall be appointed to
15 staggered terms of office of one (1) or two (2) years beginning on
16 July 1 and ending on June 30 of the appropriate year. Thereafter,
17 the term of office of an appointed member shall be two (2) years.

18 D. A chair, vice-chair, and secretary-treasurer shall be
19 elected from among the Commission members at the first meeting of
20 the Commission. The term of office of each officer shall be one (1)
21 year, but each officer may serve unlimited terms.

22 SECTION 4. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 18-43.4 of Title 2, unless there
24 is created a duplication in numbering, reads as follows:

1 A. The duties and responsibilities of the committee shall be
2 prescribed by the Commissioner and to the extent applicable, shall
3 include the following:

4 1. The development and recommendation of proposed rules and
5 procedures and future revisions relating to the assessment to the
6 State Board of Agriculture;

7 2. Preparing and effectuating the estimated budget required for
8 the proper operation of the committee;

9 3. The development of methods for assessing producers and
10 methods for collecting the necessary funds;

11 4. Collecting funds for the Department;

12 5. Collecting and assembling information and data necessary for
13 the proper administration of the assessment program;

14 6. Contracting with existing nonbrand dairy promotion
15 organizations; and

16 7. Performing any other duties necessary for the operation of
17 the Dairy Industry Promotion Program in coordination with the
18 Commissioner.

19 B. Members of the Commission shall not receive any compensation
20 but shall be reimbursed by the Oklahoma Department of Agriculture,
21 Food, and Forestry in accordance with the provisions of the State
22 Travel Reimbursement Act for all actual and necessary expenses
23 incurred in the performance of the duties imposed upon the
24 Commission pursuant to the Oklahoma Dairy Promotion Act.

1 C. Members of the Commission who cease to be producers, as
2 defined in Section 2 of this act, or who change their method of
3 marketing shall cease to be members of the Commission, and their
4 vacancies may be filled based upon previous nominations.

5 SECTION 5. This act shall become effective November 1, 2008."

6 Passed the House of Representatives the 15th day of April, 2008.

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Presiding Officer of the House of
Representatives

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Passed the Senate the ____ day of _____, 2008.

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Presiding Officer of the Senate

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