

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1859

By: Wyrick of the Senate

and

6 DeWitt of the House

7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to agriculture; creating the Oklahoma
11 Dairy Promotion Act; providing short title; defining
12 terms; creating the Oklahoma Dairy Promotion
13 Commission; providing for membership; stating
14 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.

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

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

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

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

4 As used in the Oklahoma Dairy Promotion Act:

5 1. "Commission" means the Oklahoma Dairy Promotion Commission;

6 2. "Commissioner" means the Commissioner of Agriculture; and

7 3. "Producer" means every person in this state who produces

8 milk or cream from cows and thereafter causes the same to be

9 marketed as milk, cream, or other milk and dairy products and who

10 has been issued and possesses a valid current producer's permit,

11 issued by the Oklahoma Department of Agriculture, Food, and

12 Forestry.

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

16 A. There is hereby created the Oklahoma Dairy Promotion
17 Commission. The Commission shall consist of an odd number of
18 members with no less than five (5) and no more than eleven (11)
19 members who are actively engaged as producers in this state. The
20 Commissioner of Agriculture shall be an ex officio nonvoting member.

21 B. Members of the Commission shall be appointed by the
22 Commissioner from nominations received from agricultural dairy
23 cooperatives and independent producers. Nominations shall contain
24 the following information:

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

3 2. The name, address, and telephone number of the person
4 submitting the nomination;

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

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

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

12 D. A chair, vice chair, and secretary-treasurer shall be
13 elected from among the Commission members at the first meeting of
14 the Commission. The term of office of each officer shall be one
15 year, but each officer may serve unlimited terms.

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

19 A. The duties and responsibilities of the committee shall be
20 prescribed by the Commissioner and to the extent applicable, shall
21 include the following:

22 1. The development and recommendation of proposed rules and
23 procedures and future revisions relating to the assessment to the
24 State Board of Agriculture;

- 1 2. Preparing and effectuating the estimated budget required for
- 2 the proper operation of the committee;
- 3 3. The development of methods for assessing producers and
- 4 methods for collecting the necessary funds;
- 5 4. Collecting funds for the Department;
- 6 5. Collecting and assembling information and data necessary for
- 7 the proper administration of the assessment program;
- 8 6. Contracting with existing non-brand dairy promotion
- 9 organizations; and
- 10 7. Performing any other duties necessary for the operation of
- 11 the Dairy Industry Promotion Program in coordination with the
- 12 Commissioner.

13 B. Members of the Commission shall not receive any compensation
14 but shall be reimbursed by the Oklahoma Department of Agriculture,
15 Food, and Forestry in accordance with the provisions of the State
16 Travel Reimbursement Act for all actual and necessary expenses
17 incurred in the performance of the duties imposed upon the
18 Commission pursuant to the Oklahoma Dairy Promotion Act.

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

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

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