

1 ENGROSSED SENATE
2 BILL NO. 1859

By: Wyrick of the Senate

3 and

4 DeWitt of the House

5
6 An Act relating to agriculture; creating the Oklahoma
7 Dairy Promotion Act; providing short title; defining
8 terms; creating the Oklahoma Dairy Promotion
9 Commission; providing for membership; stating
10 qualifications for Commission members; authorizing
11 election of officers; stating duties of the
12 Commission; providing for travel reimbursement;
13 providing for vacancies; providing for codification;
14 and providing an effective date.

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

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

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

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

24 As used in the Oklahoma Dairy Promotion Act:

1. "Commission" means the Oklahoma Dairy Promotion Commission;
2. "Commissioner" means the Commissioner of Agriculture; and

1 3. "Producer" means every person in this state who produces
2 milk or cream from cows and thereafter causes the same to be
3 marketed as milk, cream, or other milk and dairy products and who
4 has been issued and possesses a valid current producer's permit,
5 issued by the Oklahoma Department of Agriculture, Food, and
6 Forestry.

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

10 A. There is hereby created the Oklahoma Dairy Promotion
11 Commission. The Commission shall consist of an odd number of
12 members with no less than five (5) and no more than eleven (11)
13 members who are actively engaged as a producer in this state. The
14 Commissioner of Agriculture shall be an ex officio nonvoting member.

15 B. Members of the Commission shall be appointed by the
16 Commissioner from nominations received from the Agricultural Dairy
17 Cooperatives and independent producers. Nominations shall contain
18 the following information:

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

21 2. The name, address and telephone number of the person
22 submitting the nomination;

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

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

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

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

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

13 A. The duties and responsibilities of the committee shall be
14 prescribed by the Commissioner and to the extent applicable, shall
15 include the following:

16 1. Development and recommendation of proposed rules and
17 procedures and future revisions relating to the assessment to the
18 State Board of Agriculture;

19 2. Preparing and effectuating the estimated budget required for
20 the proper operation of the committee;

21 3. Development of methods for assessing producers and methods
22 for collecting the necessary funds;

23 4. Collecting and assembling information and data necessary for
24 the proper administration of the assessment program;

1 5. Contracting with existing non-brand dairy promotion
2 organizations; and

3 6. Performing any other duties necessary for the operation of
4 the Dairy Industry Promotion Program in coordination with the
5 Commissioner.

6 B. Members of the Commission shall not receive any compensation
7 but shall be reimbursed by the Oklahoma Department of Agriculture,
8 Food, and Forestry in accordance with the provisions of the State
9 Travel Reimbursement Act for all actual and necessary expenses
10 incurred in the performance of the duties imposed upon the
11 Commission pursuant to the Oklahoma Dairy Promotion Act.

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

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

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1 Passed the Senate the 26th day of February, 2008.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2008.

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9 Presiding Officer of the House
10 of Representatives