

THE HOUSE OF REPRESENTATIVES
Tuesday, April 8, 2008

Committee Substitute for
ENGROSSED
Senate Bill No. 1859

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1859 - By:
WYRICK of the Senate and DEWITT of the House.

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 in the Oklahoma
2 Statutes as Section 18-43.1 of Title 2, unless there is created a duplication in numbering,
3 reads as follows:

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

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

8 As used in the Oklahoma Dairy Promotion Act:

9 1. “Commission” means the Oklahoma Dairy Promotion Commission;

1 2. “Commissioner” means the Commissioner of Agriculture; and

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

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

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

13 B. Members of the Commission shall be appointed by the Commissioner from
14 nominations received from agricultural dairy cooperatives and independent producers.
15 Nominations shall contain the following information:

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

17 2. The name, address, and telephone number of the person submitting the
18 nomination;

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

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

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

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

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

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

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

15 2. Preparing and effectuating the estimated budget required for the proper
16 operation of the committee;

17 3. The development of methods for assessing producers and methods for collecting
18 the necessary funds;

19 4. Collecting funds for the Department;

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

22 6. Contracting with existing non-brand dairy promotion organizations; and

1 7. Performing any other duties necessary for the operation of the Dairy Industry
2 Promotion Program in coordination with the Commissioner.

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

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

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

12 COMMITTEE REPORT BY: COMMITTEE ON NATURAL RESOURCES, dated 04-07-
13 08 - DO PASS, As Amended.