

EHB 3187

1 THE STATE SENATE
2 Tuesday, April 01, 2008

3 ENGROSSED

4 House Bill No. 3187

5 ENGROSSED HOUSE BILL NO. 3187 - By: DeWitt and Jett of the House and
6 Justice of the Senate.

7 An Act relating to agriculture; creating the Oklahoma
8 Oilseed Resources Act; specifying purpose of act; defining
9 terms; creating the Oklahoma Oilseed Commission; providing
10 for duration of Commission; specifying areas represented by
11 the Commission; providing for terms of membership; providing
12 for vacancies; providing for removal of members; specifying
13 powers and duties of Commission; providing for certain
14 audit; providing for annual report; providing for surety
15 bonds; providing for funds collected; specifying prohibition
16 on use of funds; providing for certain immunity from
17 liability; specifying election procedures; providing for
18 promulgation of rules; providing for fee assessment;
19 implementing fee assessment upon the ceasing of assessment
20 by the national checkoff; providing for annual report of
21 income and expenditure; providing for refund of fee
22 assessment; specifying procedures; creating the Oklahoma
23 Oilseed Resources Fund; providing for use; providing for
24 revenues; authorizing subcommittees to control the Fund;
25 providing for investment; modifying date for a referendum on
26 assessments; providing for codification; and providing an
27 effective date.

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

29 SECTION 1. NEW LAW A new section of law to be codified
30 in the Oklahoma Statutes as Section 18-270 of Title 2, unless there
31 is created a duplication in numbering, reads as follows:

32 A. This act shall be known and may be cited as the "Oklahoma
33 Oilseed Resources Act".

1 B. The purpose of the Oklahoma Oilseed Resources Act shall be
2 to develop programs that will enhance oilseed production, oilseed
3 research, promoting market development and education, and improving
4 profitability of Oklahoma oilseed producers.

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 18-271 of Title 2, unless there
7 is created a duplication in numbering, reads as follows:

8 As used in the Oklahoma Oilseed Resources Act:

9 1. "Canola" means canola, rapeseed and any Brassica plant grown
10 in Oklahoma for the production of an oilseed, the oil and meal of
11 which are used for food or nonfood use;

12 2. "Commercial channels" means the sale of oilseed for any use,
13 when sold to any commercial buyer, dealer, processor, cooperative,
14 or to any person, public or private, who resells any oilseed or
15 product produced from oilseed;

16 3. "Commercial quantities" means and includes all
17 hundredweights (CWT) of oilseed produced for market in any calendar
18 year by any producer;

19 4. "Commission" means the Oklahoma Oilseed Commission;

20 5. "Department" means the Oklahoma Department of Agriculture,
21 Food, and Forestry;

22 6. "First purchaser" means any person buying or acquiring after
23 harvest the property in or to oilseed from an oilseed producer. A

1 mortgagee, pledgee, lienholder, or other person having a claim
2 against the oilseed producer under a nonrecourse loan made against
3 the oilseed after harvest shall be a purchaser. The term "first
4 purchaser" shall not include a harvesting or threshing lienee;

5 7. "Fiscal year" means the oilseed accounting year beginning
6 June 1 of each year and ending May 31 of the following year;

7 8. "President" means the President of the State Board of
8 Agriculture;

9 9. "Oilseed" means any oil-producing seed or crop;

10 10. "Oilseed processor" means a person who commercially
11 manufactures products made from oilseed or animal feed; and

12 11. "Oilseed producer" or "producer" means an individual
13 engaged in the production of oilseed, who markets oilseed in
14 commercial quantities in Oklahoma. Each individual determined to be
15 an entity pursuant to rules promulgated by the United States
16 Department of Agriculture Farm Service Agency shall be considered an
17 oilseed producer.

18 SECTION 3. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 18-272 of Title 2, unless there
20 is created a duplication in numbering, reads as follows:

21 A. There is created until June 1, 2012, in accordance with the
22 provisions of the Oklahoma Sunset Law, the Oklahoma Oilseed
23 Commission.

1 B. 1. With the exception of the ex officio nonvoting member,
2 the Commission shall be composed of five (5) elected members who:
3 a. are at least twenty-five (25) years of age and are
4 residents of Oklahoma,
5 b. have been actually engaged in the production of
6 oilseed in this state for a period of at least two (2)
7 years, and
8 c. derive a portion of their income from the production
9 of oilseed.

10 2. The President of the State Board of Agriculture shall be an
11 ex officio nonvoting member of the Commission. The President may
12 appoint a designee to serve on the Commission in the place of the
13 President.

14 C. Each of the elected members shall be a resident of, have a
15 farming operation in, and be elected by oilseed producers within a
16 district area designated by this subsection as District 1 through
17 District 5. The districts shall be as follows:

18 1. District 1 shall consist of the counties of Cimarron, Texas,
19 Beaver, Harper, Woodward, Ellis, Dewey, Roger Mills, and Custer;

20 2. District 2 shall consist of the counties of Beckham,
21 Washita, Caddo, Grady, Greer, Kiowa, Comanche, Harmon, Jackson,
22 Tillman, and Cotton;

1 3. District 3 shall consist of the counties of Woods, Alfalfa,
2 Major, Blaine, Kingfisher, Canadian, Grant, Kay, Garfield, Noble,
3 Logan, Payne, Oklahoma, and Lincoln;

4 4. District 4 shall consist of the counties of Osage,
5 Washington, Nowata, Craig, Ottawa, Pawnee, Rogers, Mayes, Delaware,
6 Creek, Tulsa, Wagoner, Cherokee, Adair, Okfuskee, Okmulgee,
7 Muskogee, Sequoyah, and McIntosh; and

8 5. District 5 shall consist of the counties of Cleveland,
9 Pottawatomie, Seminole, Hughes, Pittsburg, Haskell, Le Flore,
10 Stephens, Jefferson, McClain, Garvin, Murray, Carter, Love,
11 Pontotoc, Johnston, Marshall, Coal, Atoka, Bryan, Latimer,
12 Pushmataha, Choctaw, and McCurtain.

13 D. 1. The terms of office of the initial elected Commission
14 shall be as follows:

- 15 a. two (2) years for District 1,
- 16 b. three (3) years for District 2,
- 17 c. four (4) years for District 3,
- 18 d. five (5) years for District 4, and
- 19 e. six (6) years for District 5.

20 Thereafter the term of office shall be for five (5) years. An
21 elected member of the Commission may serve for two consecutive full
22 five-year terms. Upon completion of two consecutive full five-year
23 terms, a member shall not be eligible for election for a period of

1 one term before becoming eligible for election to the Commission for
2 two additional consecutive five-year terms.

3 2. If for any reason there is a vacancy on the Commission due
4 to resignation, death, or for any cause resulting in an unexpired
5 term, the Commission may name a person to serve as a provisional
6 member of the Commission for the remainder of the term of the office
7 vacated. The Commission shall submit, in writing, the name of the
8 person to the President for approval. The President shall either
9 approve or disapprove the named person as a provisional member of
10 the Commission within thirty (30) days of the submission of the name
11 by the Commission. The failure of the President to disapprove the
12 person named as the provisional member of the Commission within the
13 thirty-day period shall be deemed approval of the person as the
14 provisional member of the Commission.

15 E. The Commission shall hold meetings as necessary at a place
16 and time to be fixed by the Commission. The Commission shall
17 select, at the initial meeting of the Commission, a chair, a vice-
18 chair, and a secretary-treasurer. At the first meeting in each
19 fiscal year thereafter, the chair, vice-chair, and secretary-
20 treasurer for the ensuing year shall be elected. Special meetings
21 may be called by the chair or by three members of the Commission by
22 delivery of written notice to each member of the Commission. Three
23 members of the Commission shall constitute a quorum.

1 F. Commission members shall not receive any compensation, but
2 shall be reimbursed in accordance with the provisions of the State
3 Travel Reimbursement Act for all actual and necessary expenses
4 incurred in the performance of the duties imposed upon the
5 Commission pursuant to the Oklahoma Oilseed Resources Act.

6 G. A member of the Oklahoma Oilseed Commission may be removed
7 by the President of the State Board of Agriculture for cause or by a
8 two-thirds (2/3) vote of the other members of the Commission. In
9 addition to all other causes, a member ceasing to:

10 1. Be a resident of the state; or

11 2. Produce or plant oilseed in the district from which the
12 member was elected,
13 shall be sufficient cause for removal from office.

14 SECTION 4. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 18-273 of Title 2, unless there
16 is created a duplication in numbering, reads as follows:

17 A. Pursuant to the Oklahoma Oilseed Resources Act, the Oklahoma
18 Oilseed Commission shall have the power and duty to:

19 1. Elect Commission officers to provide leadership and
20 organization;

21 2. Call and conduct meetings as necessary in carrying out the
22 provisions of the Oklahoma Oilseed Resources Act;

- 1 3. Appoint subcommittees for each oilseed represented such as
2 canola and any other oilseeds to formulate basic objectives and the
3 general policies and programs of the State of Oklahoma respecting
4 the discovery, promotion, and development of markets and industries
5 for the utilization of oilseed;
- 6 4. Approve financial matters;
- 7 5. Maintain and enforce provisions of the Oklahoma Oilseed
8 Resources Act;
- 9 6. Promulgate rules as are necessary to promptly and
10 effectively administer the provisions of the Oklahoma Oilseed
11 Resources Act;
- 12 7. Conduct assessment referenda pursuant to the Oklahoma
13 Oilseed Resources Act;
- 14 8. Conduct programs consistent with the Oklahoma Oilseed
15 Resources Act;
- 16 9. Develop bylaws for the due and orderly administration of the
17 affairs of the Commission and for its responsibilities specified
18 pursuant to the provisions of the Oklahoma Oilseed Resources Act;
- 19 10. Advise, consult, and cooperate with agencies of this state
20 and its political subdivisions, other states, the federal
21 government, and with affected groups;
- 22 11. Collect and disseminate information relating to oilseed
23 production;

1 12. Contract with agencies of this state and its political
2 subdivisions, other states, the federal government, and other
3 organizations or persons to comply and fulfill its mission pursuant
4 to the provisions of the Oklahoma Oilseed Resources Act;

5 13. Hold public hearings for any purposes consistent with the
6 provisions of the Oklahoma Oilseed Resources Act;

7 14. Identify and coordinate industry-wide programs for oilseed,
8 oilseed resources, oilseed market development, oilseed promotion,
9 and education relating to oilseed;

10 15. Seek information from oilseed producers and users for
11 purposes of planning and prioritizing expenditures of Commission
12 funds;

13 16. Protect or represent the best interests of the industry;
14 conduct production, utilization, and policy research that affects
15 the oilseed industry and benefits the profitability of producers;
16 disseminate reliable information; cooperate with agencies of this
17 state and other states and governmental entities to implement joint
18 programs; receive gifts and grants; and implement, or cause to be
19 implemented, programs to increase the commercial value of Oklahoma
20 oilseed; and

21 17. Take any other actions deemed necessary by the Commission
22 to implement the provisions of the Oklahoma Oilseed Resources Act.

23 B. In addition, the Commission shall:

1 1. Make available for inspections during an annual independent
2 audit each fiscal year by a competent accountant or auditor, all
3 books, records of account, and minutes of proceedings maintained by
4 the Commission. The Commission shall provide to the Oklahoma
5 Department of Agriculture, Food, and Forestry a copy of the annual
6 audit performed pursuant to this section;

7 2. Not later than forty-five (45) days after the last day of
8 the fiscal year, submit to the President of the State Board of
9 Agriculture a report itemizing all income and expenditures and
10 describing all activities of the Commission during the fiscal year;

11 3. Provide surety bonds in amounts determined by the Department
12 of Central Services for any members who handle funds for the
13 Commission; and

14 4. Receive, hold in trust, and disburse all assessments and
15 other funds collected pursuant to the Oklahoma Oilseed Resources Act
16 as trust funds of the Commission.

17 C. Any funds received by the Commission pursuant to the
18 provisions of the Oklahoma Oilseed Resources Act shall not be used,
19 directly or indirectly, or as a result of contract or agreement with
20 other persons or organizations, in supporting or opposing political
21 candidates or political office holders, either state or national.

22 D. 1. Except for instances of gross negligence, individual
23 criminal actions, or acts of dishonesty, the Commission and

1 employees of the Commission are not individually liable to an
2 oilseed producer or other person for actions or omissions taken
3 pursuant to this act that are:

- 4 a. errors in judgment, or
- 5 b. mistakes.

6 2. A member of the Commission is not individually liable for an
7 act or omission of another member of the Commission.

8 SECTION 5. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 18-274 of Title 2, unless there
10 is created a duplication in numbering, reads as follows:

11 A. Except for the ex officio member, each member of the
12 Oklahoma Oilseed Commission shall be elected by the oilseed
13 producers in the district that the member represents. Each member
14 will represent the district in which the member resides and produces
15 oilseed.

16 B. Any election of a member to the Commission shall be
17 conducted pursuant to the procedures specified by the Oklahoma
18 Oilseed Resources Act and by rules promulgated pursuant thereto.

19 C. 1. An oilseed producer who desires to be a candidate for
20 the Commission shall file a petition signed by the potential
21 candidate and at least ten oilseed producers in the district with
22 the Oklahoma Department of Agriculture, Food, and Forestry for the
23 initial election and with the Commission for subsequent elections.

1 Along with the petition, the potential candidate shall submit an
2 application for the applicant's name to be placed on the ballot.

3 The application must be:

4 a. filed not later than thirty (30) days before the date
5 set for the election, and

6 b. on a form approved by the Department for the initial
7 election and approved by the Commission thereafter.

8 2. Upon receipt of an application and verification that the
9 application meets the requirements of this section, an applicant's
10 name shall be placed on the ballot for election to the Commission.

11 3. The election shall be preceded by at least forty-five (45)
12 days' notice published in one or more newspapers published and
13 distributed in the established election districts. The notice shall
14 be published not less than once a week for two (2) consecutive
15 weeks. The public notice shall include the date, time, and polling
16 places for voting in the election and any other information deemed
17 necessary by the Department for the initial election, and deemed
18 necessary by the Commission to inform oilseed producers of the
19 election. In addition, two (2) weeks before the date of the
20 election, written notice shall be provided to each county agent of
21 the cooperative extension service and each assessment location
22 within the district in which the election is to be held.

1 D. 1. Each oilseed producer in the district who is actively
2 engaged in the production of oilseed in commercial quantities in the
3 current fiscal year of the calling of the election shall be entitled
4 to vote in any election. The Department shall determine any
5 questions of eligibility to vote in the initial election.

6 Thereafter, the Commission shall determine questions of eligibility
7 to vote. Proof of voter eligibility shall include, but not be
8 limited to, a dated grain elevator receipt which includes the
9 oilseed producer's name and address and the amount of oilseed sold.

10 2. It shall be the responsibility of each oilseed producer to
11 prove the producer's eligibility to vote.

12 3. Each eligible oilseed producer is authorized to cast one
13 vote in any district in which the person produces oilseed.

14 E. The Department shall bear all reasonable expenses incurred
15 in conducting the election of the initial Commission. All the
16 expenses shall be approved by the President prior to being incurred.
17 Thereafter, any expenses incurred as a result of an election shall
18 be borne by the Commission from any funds available to the
19 Commission.

20 F. 1. For the initial election, the President shall approve
21 the form of the ballot, and thereafter the Commission shall prepare
22 the ballot.

1 2. Ballots shall be prepared and distributed in advance of the
2 election.

3 3. The election ballot shall be printed with the names of
4 candidates who have filed valid petitions and applications pursuant
5 to this section. In addition, the ballot shall provide a space for
6 write-in candidates.

7 4. Each ballot shall clearly state any voter eligibility
8 requirements.

9 5. The ballot shall require the signature and place of
10 residence of the oilseed producer voting in the election.

11 6. All prepared ballots shall be mailed or delivered in person
12 to a location or locations designated by the Department for the
13 initial election and by the Commission for elections held
14 thereafter.

15 7. Rules promulgated by the State Board of Agriculture for the
16 initial election, and by the Commission thereafter, shall be
17 promulgated pursuant to Article I of the Administrative Procedures
18 Act. The rules shall include, but not be limited to:

- 19 a. instructions to voters,
- 20 b. conduct of elections,
- 21 c. in-person absentee ballots or special write-in
22 absentee ballots,

- 1 d. balloting in-person locations and a central location
- 2 for mail-in ballots,
- 3 e. hours for voting,
- 4 f. write-in votes for any eligible person whose name is
- 5 not printed on the ballot,
- 6 g. canvassing and reporting of returns, and
- 7 h. other information deemed necessary by the Commission.

8 G. 1. Ballots in all propositions and elections will be
9 counted by a committee consisting of a representative of the
10 Oklahoma Cooperative Extension Service, a representative of the
11 Oklahoma Oilseed Commission, and a representative designated by the
12 Oklahoma Department of Agriculture, Food, and Forestry.

13 2. The candidate receiving the largest number of votes cast in
14 the district election shall be elected to office. In case of a tie
15 vote, the President will cast the tie-breaking vote.

16 3. In all elections, results will be certified to the President
17 for verification.

18 4. All ballots shall be locked in a container and stored in the
19 county clerk's office in the county designated by the President. If
20 no contests or investigations arise out of the election within
21 thirty (30) days after the day of the election, the ballots may be
22 destroyed by the office of the county clerk by shredding or burning

1 after notification to the President and the Commission of the
2 proposed destruction.

3 5. Any contest of the election or investigation shall be filed
4 in district court in any county in the district holding the election
5 within thirty (30) days after the day the ballots are counted.

6 6. In any case, if a recount is allowed by the district court,
7 the court shall have the power to impound the locked ballot boxes
8 and appoint a new canvassing committee consisting of three new
9 representatives from the same background as the original canvassing
10 committee.

11 SECTION 6. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 18-275 of Title 2, unless there
13 is created a duplication in numbering, reads as follows:

14 A. Beginning ninety (90) days after the election of the initial
15 Oklahoma Oilseed Commission, there is hereby assessed a fee of three
16 cents (\$0.03) per hundredweight (CWT) for oilseed marketed by
17 oilseed producers in this state and sold or handled through
18 commercial channels. The fee shall be assessed and imposed upon the
19 oilseed producer at the time of sale or delivery and shall be
20 collected and remitted by the first purchaser to the Commission.
21 Pursuant to the provisions of the Oklahoma Oilseed Resources Act, no
22 oilseed shall be subject to assessment of a fee more than once
23 including a national checkoff. If the assessment of a national

1 checkoff fee ceases to exist, an Oklahoma assessment shall then be
2 implemented.

3 B. 1. The first purchaser shall collect the assessment by
4 deducting the appropriate amount from the purchase price of the
5 oilseed or from any funds advanced for that purpose.

6 2. The Commission, by registered or certified mail, shall
7 notify each first purchaser of the duty to collect the assessment,
8 the manner in which the assessment is to be collected, and the date
9 on or after which the first purchaser is to begin collecting the
10 assessment.

11 3. The amount of the assessment collected shall be clearly
12 shown on the sales invoice or other document evidencing the
13 transaction. The first purchaser shall furnish a copy of the
14 document to the oilseed producer.

15 4. The Commission shall establish, by rule, the procedures for
16 the collection and remittance of the assessment.

17 SECTION 7. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 18-276 of Title 2, unless there
19 is created a duplication in numbering, reads as follows:

20 A. The first purchaser shall render and have on file a report
21 along with remittance of the fees collected pursuant to the Oklahoma
22 Oilseed Resources Act on the fifteenth of each calendar quarter.
23 The report shall include the total amount of fees assessed by the

1 first purchaser, the total amount of oilseed purchased and other
2 information as may be required by the Oklahoma Oilseed Commission.

3 B. If the first purchaser fails to make a report and remittance
4 as required by the Oklahoma Oilseed Resources Act, the Commission
5 shall determine the amount collected and owed by the first
6 purchaser, which shall be prima facie correct. Any first purchaser
7 having failed to make the report as required by the Oklahoma Oilseed
8 Resources Act shall, within ten (10) days after notice of the
9 computed collection amount established by the Commission is mailed
10 to the first purchaser, pay the computed collection amount, together
11 with a penalty of five percent (5%) of the computed collection
12 amount. The first purchaser may dispute the computed collection
13 amount established by the Commission and request the Commission to
14 hold a hearing to redetermine the amount of the computed collection
15 and the penalty to be imposed. No payment shall be made until the
16 Commission enters its order determining the amount of payment. The
17 payment of the determined collection amount and penalty shall be
18 paid within ten (10) days of notice of the decision.

19 C. At any time the Oklahoma Department of Agriculture, Food,
20 and Forestry may request an audit of the first purchaser to
21 determine whether the collection and proper disposition of the
22 collected assessment were made pursuant to the provisions of the
23 Oklahoma Oilseed Resources Act and rules promulgated thereto.

1 D. The first purchaser shall retain any records or reports
2 relating to the collection of the assessment for at least three (3)
3 years.

4 SECTION 8. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 18-277 of Title 2, unless there
6 is created a duplication in numbering, reads as follows:

7 A. The chair of the Oklahoma Oilseed Commission shall make an
8 annual report to the Secretary of Agriculture, within forty-five
9 (45) days after June 30 of each year, showing in detail all income
10 and expenditures and any other facts relevant to the Oklahoma
11 Oilseed Resources Act. The annual report shall include a list of
12 all officers and any employees of the Commission and shall indicate
13 the official positions of officers and any employees and salaries
14 paid.

15 B. The report shall be available to the public. A copy shall
16 be sent upon request to any producer upon whom the assessment is
17 assessed.

18 C. All records of the Commission shall be kept at least three
19 (3) years.

20 SECTION 9. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 18-278 of Title 2, unless there
22 is created a duplication in numbering, reads as follows:

1 A. Any oilseed producer subject to the assessment provided in
2 the Oklahoma Oilseed Resources Act may request a refund of the fees
3 so assessed, within sixty (60) days following the collection of the
4 fee. Any oilseed producer requesting a refund shall make
5 application to the Oklahoma Oilseed Commission for the refund of the
6 assessment. Along with the application, the oilseed producer shall
7 submit the evidence of payment of the fee and of the amount of
8 oilseed sold required by the Commission. The Commission may verify
9 the accuracy of the request for the refund.

10 B. Upon receipt of the application for a refund and evidence
11 required, the Commission shall refund the amount of the assessment
12 owed to the producer within thirty (30) days of the date the refund
13 request was received and the Commission received payment from the
14 first purchaser.

15 SECTION 10. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 18-279 of Title 2, unless there
17 is created a duplication in numbering, reads as follows:

18 A. There is created the Oklahoma Oilseed Resources Fund. The
19 Oklahoma Oilseed Resources Fund shall be administered by the
20 Oklahoma Oilseed Commission for the benefit of the oilseed producers
21 in this state for the purposes specified by the Oklahoma Oilseed
22 Resources Act. The Oklahoma Oilseed Resources Fund shall be
23 established and maintained in a bank or other depository as approved

1 by the Commission and the President of the State Board of
2 Agriculture.

3 B. The Oklahoma Oilseed Resources Fund shall consist of:

4 1. All monies received by the Commission as proceeds from the
5 assessment imposed pursuant to the Oklahoma Oilseed Resources Act
6 and each individual oilseed shall be distributed by collections to
7 the account of the specific oilseed. The subcommittees established
8 pursuant to Section 4 of this act shall control each individual
9 account;

10 2. Interest attributable to investment of money in the Oklahoma
11 Oilseed Resources Fund; and

12 3. Monies received by the Commission in the form of gifts,
13 grants, reimbursements, or from any other source designated by law
14 for deposit to the Oklahoma Oilseed Resources Fund.

15 C. Any costs incurred by the Commission pursuant to the
16 provisions of the Oklahoma Oilseed Resources Act shall not exceed
17 the actual collections of the Commission.

18 D. Monies in the Oklahoma Oilseed Resources Fund shall only be
19 expended for:

20 1. Implementation and management of the Oklahoma Oilseed
21 Resources Act; and

1 2. Costs incurred by the Commission and the State Board of
2 Agriculture for the administration of the Oklahoma Oilseed Resources
3 Act.

4 SECTION 11. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 18-280 of Title 2, unless there
6 is created a duplication in numbering, reads as follows:

7 Upon the approval of the State Treasurer, any of the monies in
8 the Oklahoma Oilseed Resources Fund may be invested by the Oklahoma
9 Oilseed Commission in securities of the state or federal government,
10 certificates of deposit or certificates of any bank, trust company,
11 or savings and loan association insured by a federal agency. The
12 principal and interest when due shall be paid into the Oklahoma
13 Oilseed Resources Fund.

14 SECTION 12. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 18-281 of Title 2, unless there
16 is created a duplication in numbering, reads as follows:

17 A. Oilseed producers may petition for a referendum to determine
18 if the assessment is to be continued, at any time after five (5)
19 years following November 1, 2008. The President of the State Board
20 of Agriculture shall call and conduct a referendum if the petitions
21 bear signatures of ten percent (10%) of the oilseed producers. No
22 more than one referendum shall be conducted in any one
23 thirty-six-month period. The Oklahoma Department of Agriculture,

1 Food, and Forestry shall determine if the petition bears the
2 required number of valid signatures. The President shall announce
3 the referendum at least thirty (30) days prior to the day of voting.
4 At least thirty (30) days before the referendum, the Department
5 shall mail a notice of the referendum to all known oilseed producers
6 in the State of Oklahoma who market oilseed in commercial
7 quantities. The notice shall specify the dates, times, and places
8 for holding the referendum, and shall include a sample ballot with
9 the following wording:

10 DO YOU FAVOR A CONTINUATION OF THE THREE CENTS (\$0.03) PER
11 HUNDREDWEIGHT (CWT) ASSESSMENT ON OILSEED MARKETED IN OKLAHOMA
12 FOR UTILIZATION, RESEARCH, EDUCATION, PROMOTION, AND MARKET
13 DEVELOPMENT?

14 YES () NO ()

15 B. Places within each county for conducting the referendum
16 shall be designated by the Oklahoma Oilseed Commission, and voting
17 in each county shall be supervised by the county agricultural
18 extension agent, or person designated by the Department. The
19 Commission shall ensure sufficient ballots and supplies necessary
20 for the conduct of the voting and tabulation of returns. Certified
21 results of the referendum in each district shall be transmitted
22 within twenty-four (24) hours after voting ends to the President,
23 and the ballots shall be transmitted to the President within

1 forty-eight (48) hours. Ballots shall be preserved by the President
2 for a period of at least three (3) months.

3 C. 1. The results of the referendum shall be determined by
4 the President, and the results certified to the Chair of the
5 Commission who shall issue a proclamation declaring the results.

6 2. The Commission shall bear expenses of advertising and
7 conducting the referendum.

8 D. Whenever the question of levying the assessments is
9 disapproved, by failure of sixty percent (60%) of the oilseed
10 producers voting in the referendum to favor continuation of the
11 assessments, the proclamation declaring the result shall provide for
12 the termination of the assessments on April 30, following the date
13 of the referendum.

14 SECTION 13. This act shall become effective November 1, 2008.

15 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT,
16 dated 3-31-08 - DO PASS.