

SB 1859

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THE STATE SENATE
Tuesday, February 19, 2008

Senate Bill No. 1859
As Amended

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:

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

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

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

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;

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

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

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

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

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

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

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

21 2. Preparing and effectuating the estimated budget required for
22 the proper operation of the committee;

1 3. Development of methods for assessing producers and methods
2 for collecting the necessary funds;

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

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

7 6. Performing any other duties necessary for the operation of
8 the Dairy Industry Promotion Program in coordination with the
9 Commissioner.

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

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

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

21 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT,
22 dated 2-11-08 - DO PASS, As Amended and Coauthored.