

1 ENGROSSED HOUSE  
2 BILL NO. 1472

By: Armes of the House

and

Myers of the Senate

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7 An Act relating to agriculture; amending 2 O.S. 2001,  
8 Sections 18-308 and 18-309, which relate to the  
9 Oklahoma Wheat Resources Act; increasing per-bushel  
fee assessed on certain wheat products; and providing  
an effective date.

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

13 SECTION 1. AMENDATORY 2 O.S. 2001, Section 18-308, is  
14 amended to read as follows:

15 Section 18-308. A. There is hereby assessed a fee of ~~one and~~  
16 ~~one half cent (\$0.015)~~ two cents (\$0.02) per bushel upon all wheat  
17 marketed by wheat producers in this state and sold through  
18 commercial channels. The fee is assessed and imposed on the  
19 producer at the time of sale or delivery, and shall be collected and  
20 remitted by the first purchaser to the Oklahoma Wheat Utilization,  
21 Research and Market Development Commission. Under the provisions of  
22 the Oklahoma Wheat Resources Act, no wheat shall be subject to a fee  
23 more than once.

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1 B. The Commission shall allocate twenty percent (20%) of the  
2 ~~one and one half cent~~ two-cent fee levied and collected pursuant to  
3 subsection A of this section to the Oklahoma Wheat Research  
4 Foundation for the purpose of conducting wheat research, including,  
5 but not limited to, utilization and educational projects, less the  
6 cost of collecting the fee, such cost not to exceed fifty percent  
7 (50%) of the total of the office rental and clerical costs, and the  
8 costs of supplies and postage and such cost to be prorated on the  
9 basis of eighty percent (80%) to the Commission and twenty percent  
10 (20%) to the Oklahoma Wheat Research Foundation.

11 C. In order for the Oklahoma Wheat Research Foundation to  
12 qualify for the allocation of twenty percent (20%) of collected  
13 fees, the Commission shall appoint a member of the Oklahoma Wheat  
14 Utilization, Research and Market Development Commission to the  
15 Oklahoma Wheat Research Foundation board of directors.

16 SECTION 2. AMENDATORY 2 O.S. 2001, Section 18-309, is  
17 amended to read as follows:

18 Section 18-309. A. Producers may petition for a referendum at  
19 any time after five (5) years following the effective date of the  
20 Oklahoma Wheat Resources Act to determine if the assessment is to be  
21 continued.

22 B. The President of the State Board of Agriculture shall call  
23 and conduct a referendum if the petitions bear signatures of ten  
24 percent (10%) of the wheat producers. No more than one such

1 referendum shall be conducted in any one thirty-six-month period.  
2 The State Board of Agriculture shall determine if the petition bears  
3 the required number of valid signatures. The President shall  
4 announce the referendum at least thirty (30) days prior to the day  
5 of voting. At least thirty (30) days before the referendum, the  
6 President shall mail a notice of the referendum to all known wheat  
7 producers in the State of Oklahoma who market wheat in commercial  
8 quantities. The notice shall specify the dates, times, and places  
9 for holding the referendum. The notice shall also include a sample  
10 ballot with the following wording:

11 DO YOU FAVOR A CONTINUATION OF THE ~~15~~ 20 MILL PER BUSHEL  
12 ASSESSMENT ON WHEAT MARKETED IN OKLAHOMA FOR UTILIZATION,  
13 RESEARCH AND MARKET DEVELOPMENT?

14 YES ( ) NO ( )

15 C. Places within each county for conducting the referendum  
16 shall be designated by the Agricultural Extension Division of  
17 Oklahoma State University. Voting in each county shall be  
18 supervised by the county agricultural extension agent, or a person  
19 designated by the Extension Division in cases where there is no  
20 county agent in a county at the time of the referendum.

21 D. The Oklahoma Wheat Utilization, Research and Market  
22 Development Commission shall ensure sufficient ballots and supplies  
23 necessary for conducting the voting and the tabulation of returns.

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1 E. Certified results of the referendum in each county shall be  
2 transmitted within twenty-four (24) hours after voting ends to the  
3 President of the State Board of Agriculture. The ballots shall be  
4 transmitted to the President within forty-eight (48) hours. Ballots  
5 shall be preserved by the President for a period of at least three  
6 (3) months.

7 F. The results of the referendum shall be determined by the  
8 President and the results certified to the Governor, who shall issue  
9 a proclamation declaring the results.

10 G. The Commission shall bear expenses of advertising and  
11 conducting the referendum.

12 H. Whenever the question of levying the assessments is  
13 disapproved, by failure of sixty percent (60%) of the producers  
14 voting in the referendum to favor continuation of the assessments,  
15 the proclamation declaring the result shall provide for the  
16 termination of the assessments on April 30, following the date of  
17 the referendum.

18 I. Thirty (30) days after termination of the assessment, all  
19 remaining funds of the Commission shall be transferred to the  
20 Experiment Stations of Oklahoma State University, to be used for  
21 continued research on wheat.

22 SECTION 3. This act shall become effective January 1, 2012.  
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1 Passed the House of Representatives the 14th day of March, 2011.

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4 Presiding Officer of the House of  
Representatives

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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2011.

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9 Presiding Officer of the Senate