

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1496

By: Brecheen

COMMITTEE SUBSTITUTE

An Act relating to the Commodity Research Enhancement Act; amending Sections 3 and 4, Chapter 371, O.S.L. 2014 (2 O.S. Supp. 2017, Sections 5-63.3 and 5-63.4), which relate to the petition for state assessment referendum and the state assessment referendum; providing for a continuance of the state assessment referendum; requiring that all state assessments that begin after the effective date of this act expire and discontinue five years after the date established; authorizing a nonprofit commodity organization to petition for and conduct a continuance of the state assessment referendum; providing a date for the continuance of the state assessment to begin; updating statutory reference; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY Section 3, Chapter 371, O.S.L. 2014 (2 O.S. Supp. 2017, Section 5-63.3), is amended to read as follows:

Section 5-63.3. A. 1. Any nonprofit commodity organization may petition the Commissioner of the Oklahoma Department of Agriculture, Food, and Forestry to request approval to conduct a

1 state assessment referendum or a continuance of the state assessment
2 referendum pursuant to the Commodity Research Enhancement Act.

3 2. The petition shall state:

- 4 a. the name of the nonprofit organization that will
- 5 conduct the referendum,
- 6 b. the reasons for and the purposes of the state
- 7 assessment,
- 8 c. the federally approved commodity board that will be
- 9 designated by the nonprofit commodity organization as
- 10 the recipient of the state assessment,
- 11 d. the maximum state assessment to be levied pursuant to
- 12 an election,
- 13 e. the names and number of positions held by each
- 14 nonprofit commodity organization on the federally
- 15 approved commodity board, and
- 16 f. such other information required by the Commissioner.

17 3. The petition shall be signed by at least ten percent (10%)
18 of the commodity producers in the state.

19 B. 1. Within fifteen (15) days following the day on which a
20 petition for certification is received, the Commissioner shall
21 schedule a public hearing to consider the petition. The public
22 hearing shall be scheduled no later than forty (40) days after
23 receipt of the completed petition by the Department.

1 2. Upon the scheduling of the public hearing, the nonprofit
2 commodity organization shall provide for notification of interested
3 commodity producers in the manner, method and locations required by
4 the Oklahoma Department of Agriculture, Food, and Forestry.

5 3. If the Commissioner determines that, on the basis of
6 testimony presented at the public hearing, the petitioning nonprofit
7 commodity organization is representative of the producers of the
8 agricultural commodity and that the petition conforms to the
9 purposes and provisions of the Commodity Research Enhancement Act,
10 the Commissioner shall designate the nonprofit commodity
11 organization as representative of the producers of the commodity and
12 authorized to conduct the state assessment referendum.

13 4. The petitioning nonprofit commodity organization shall be
14 responsible for all costs associated with the Commissioner's
15 consideration of the petition.

16 SECTION 2. AMENDATORY Section 4, Chapter 371, O.S.L.
17 2014 (2 O.S. Supp. 2017, Section 5-63.4), is amended to read as
18 follows:

19 Section 5-63.4. A. A designated nonprofit commodity
20 organization may conduct a referendum of the producers of an
21 agricultural commodity on the proposition of whether or not the
22 producers shall levy or continue to levy a state assessment on
23 themselves to finance programs of research, disease and insect
24 control, predator control, education or promotion designed to

1 encourage the production, marketing and use of the commodity. The
2 designated nonprofit commodity organization shall give public notice
3 of:

4 1. The date, hours and polling places for voting in the
5 referendum;

6 2. The estimated amount and basis of the state assessment
7 proposed to be collected;

8 3. Whether a producer exemption is to be allowed in accordance
9 with Section ~~8 of this act~~ 5-63.8 of this title; and

10 4. A description of the manner in which the state assessment is
11 to be collected and the proceeds administered and used.

12 B. The notice under subsection A of this section shall be
13 published in one or more newspapers published and distributed within
14 the boundaries described in the petition. The notice shall be
15 published for not less than once a week for three (3) consecutive
16 weeks, beginning at least sixty (60) days before the date of the
17 election. In addition, at least sixty (60) days before the date of
18 the election, the designated nonprofit commodity organization shall
19 give direct written notice to each county extension educator in any
20 county within the boundaries described in the petition.

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 5-63.19 of Title 2, unless there
23 is created a duplication in numbering, reads as follows:

1 A. All state assessments whose levies begin after the effective
2 date of this act and are collected according to the provisions of
3 the Commodity Research Enhancement Act shall expire and discontinue
4 five (5) years after the date that collections of the state
5 assessment begin or are continued according to the provisions of
6 subsection B of this section.

7 B. Up to one (1) year before the expiration of the state
8 assessment, a nonprofit commodity organization may petition the
9 Commissioner of the Oklahoma Department of Agriculture, Food, and
10 Forestry and conduct a referendum for the continuance of the state
11 assessment according to the provisions of Sections 5-63.3 through 5-
12 63.11 of Title 2 of the Oklahoma Statutes. The continuance of the
13 state assessment shall begin on the date of the latest following
14 occurrence:

15 1. The date of expiration of the previous state assessment; or

16 2. The date the referendum for the continuance of the state
17 assessment is certified as adopted by the Commissioner of the
18 Oklahoma Department of Agriculture, Food, and Forestry according to
19 the provisions of Section 5-63.11 of Title 2 of the Oklahoma
20 Statutes.

21 SECTION 4. This act shall become effective November 1, 2018.

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