

1 **SENATE FLOOR VERSION**

2 April 5, 2021

3 ENGROSSED HOUSE
4 BILL NO. 2930

By: West (Rick) of the House

5 and

6 Simpson of the Senate

7
8
9 An Act relating to agriculture; amending 2 O.S. 2011,
10 Sections 5-3.2, as last amended by Section 1, Chapter
11 123, O.S.L. 2015 and 5-3.4, as amended by Section 3,
12 Chapter 123, O.S.L. 2015 (2 O.S. Supp. 2020, Sections
13 5-3.2 and 5-3.4), which relate to the Oklahoma
14 Agriculture Enhancement and Diversification Program;
15 modifying categories within the Program; eliminating
16 authority to allocate certain funds on a matching
17 basis; modifying preference for grant recipients;
18 prohibiting consideration of certain applications;
19 specifying certain materials shall be subject to the
20 Oklahoma Open Records Act; eliminating authority to
21 hold certain executive sessions; providing certain
22 exemptions; and providing an effective date.

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

24 SECTION 1. AMENDATORY 2 O.S. 2011, Section 5-3.2, as
last amended by Section 1, Chapter 123, O.S.L. 2015 (2 O.S. Supp.
2020, Section 5-3.2), is amended to read as follows:

Section 5-3.2. A. The State Board of Agriculture is hereby
authorized to establish and administer the Oklahoma Agriculture
Enhancement and Diversification Program.

1 B. The purpose of the Oklahoma Agriculture Enhancement and
2 Diversification Program is to promote and encourage the interests of
3 agriculture through the allocation of funds, by grant or loan, to
4 individuals, cooperatives and other agricultural entities to:

- 5 1. Develop new or expanded uses of agricultural products;
- 6 2. Develop new or expanded benefits of agricultural events;
- 7 3. Increase agricultural productivity;
- 8 4. Provide added value to agricultural products or events;
- 9 5. Benefit the agricultural producer; and
- 10 6. Benefit the agricultural interests of ~~Oklahoma~~ this state.

11 C. The Program shall consist of the following categories:

12 1. ~~Cooperative marketing~~ Value-added agriculture grants and
13 loans for entities or individuals ~~intending to work together to~~
14 develop or establish production, processing or marketing of
15 agricultural products. The purpose of this category is to provide
16 funding for promoting productivity, providing added value to
17 agricultural products, stimulating and fostering agricultural
18 diversification and encouraging processing innovations;

19 2. ~~Marketing and utilization grants and loans to assist in the~~
20 ~~development or implementation of sound domestic or foreign marketing~~
21 ~~plans for Oklahoma agricultural products, by products, or new and~~
22 ~~better uses for existing agricultural products through the financing~~
23 ~~of marketing feasibility studies, business plans, and test~~
24 ~~marketing;~~

1 ~~3.~~ Farm diversification grants or loans for projects dealing
2 with the diversification of family farms or ranches to
3 nontraditional crops, livestock, agritourism, or on-farm, value-
4 added processing of agricultural commodities;

5 ~~4. Basic and applied~~ 3. Product development and research
6 grants and loans for agricultural business creation or expansion, or
7 research which will likely lead to a marketable agricultural product
8 through the focusing of research efforts on uses and processing of
9 Oklahoma agricultural products and by-products, including but not
10 limited to:

- 11 a. focused research which enhances the value of an
- 12 agricultural product or by-product,
- 13 b. feasibility studies, and
- 14 c. product development and test-marketing costs, ~~and~~
- 15 d. ~~projects that are driven by an entrepreneur or the~~
- 16 ~~industry; and;~~

17 ~~5.~~ 4. Agricultural event or events that benefit and further the
18 public interest in agriculture; and

19 5. Veteran or young farmer grants or loans for veterans and
20 young farmers that are engaged or will be engaged in expansion or
21 ~~creation of events that benefit and further the public interest in~~
22 ~~agriculture~~ an agricultural business.

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1 D. The State Board of Agriculture shall promulgate rules
2 governing the Oklahoma Agriculture Enhancement and Diversification
3 Program.

4 SECTION 2. AMENDATORY 2 O.S. 2011, Section 5-3.4, as
5 amended by Section 3, Chapter 123, O.S.L. 2015 (2 O.S. Supp. 2020,
6 Section 5-3.4), is amended to read as follows:

7 Section 5-3.4. A. The Oklahoma Department of Agriculture,
8 Food, and Forestry shall require eligible applicants to submit
9 information, forms and reports as are necessary to properly and
10 efficiently administer the Oklahoma Agriculture Enhancement and
11 Diversification Program.

12 B. Persons may apply to the Department for grant or loan funds
13 in accordance with rules promulgated by the State Board of
14 Agriculture. Applications for grant or loan funds shall be approved
15 or denied by the Department in accordance with criteria promulgated
16 by the State Board of Agriculture pursuant to the Oklahoma
17 Agriculture Enhancement and Diversification Program.

18 ~~C. The State Board of Agriculture may also allocate monies from~~
19 ~~the fund to eligible applicants on a matching basis.~~

20 ~~D.~~ Grant or loan funds may be made available to eligible
21 applicants pursuant to evaluation by the Department based on the
22 following criteria:

23 1. Preference may be given to the applicants whose:
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- 1 a. industrial and nonfood production processes utilize
2 agricultural products,
- 3 b. food, feed and fiber products and uses are innovative
4 and add to the value of agricultural products,
- 5 c. applications demonstrate a high probability of job
6 creation and return-on-investment,
- 7 d. proposals feature research that is innovative as well
8 as commercially plausible,
- 9 e. proposals demonstrate a high probability of rapid
10 commercialization,
- 11 f. projects demonstrate a shared commitment for funding
12 from other private or public sources or from the
13 applicant,
- 14 g. proposals center efforts on nonurban locales,
- 15 h. principals are individuals, a group of individuals, an
16 individual on behalf of a group, or corporations which
17 meet the criteria set forth in Section 951 of Title 18
18 of the Oklahoma Statutes, to market a product or
19 formulate or implement a marketing plan for
20 agricultural products ~~which have not been marketed~~
21 ~~through existing marketing cooperatives~~ produced or
22 processed in Oklahoma,
- 23 i. proposals contain the potential to create additional
24 income for the farm unit,

1 j. proposals provide for new and innovative plans for
2 marketing the product, and

3 k. proposals for agricultural events that expose new
4 audiences to agriculture or benefit the entire state
5 or a large geographic region of the state; and

6 2. Consideration shall not be given to applications for:

7 a. research or marketing plans which do not clearly meet
8 the stated objectives of the Oklahoma Agriculture
9 Enhancement and Diversification Act,

10 b. proposals which are aimed solely at business expansion
11 or creation without regard to agricultural products
12 utilization,

13 c. research or marketing plans that cannot reasonably be
14 expected to result in a viable commercial application,
15 or that are or have been duplicated by other research
16 efforts, ~~or~~

17 d. proposals for agricultural events that do not result
18 in expansion of the event or encourage additional
19 public interest in the event, or

20 e. proposals for growing or any other aspect of medical
21 marijuana.

22 ~~E. D.~~ 1. Any information submitted to or compiled by the
23 Department with respect to the marketing plans, financial
24 statements, trade secrets, research concepts, methods or products,

1 or any other proprietary information of persons, firms,
2 associations, partnerships, agencies, corporations, institutions of
3 higher education, nonprofit research institutions or other entities
4 pursuant to the Oklahoma Agriculture Enhancement and Diversification
5 Program shall not be disclosed pursuant to the Oklahoma Open Records
6 Act or in public hearings and shall be kept confidential, except to
7 the extent that the person or entity which provided such information
8 or which is the subject of such information consents to disclosure.

9 2. ~~Executive sessions may be held to discuss such materials if~~
10 ~~deemed necessary by the Board~~ In the event that an independent group
11 of reviewers is used to analyze and recommend projects for approval
12 by the Board, any meeting of such group shall be exempt from the
13 Oklahoma Open Meeting Act.

14 SECTION 3. This act shall become effective November 1, 2021.

15 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE
16 April 5, 2021 - DO PASS
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