

1 **SENATE FLOOR VERSION**

2 April 10, 2023

3 ENGROSSED HOUSE  
4 BILL NO. 1460

By: Patzkowsky of the House

5 and

6 Howard of the Senate

7  
8 An Act relating to agriculture; amending 2 O.S. 2021,  
9 Sections 18-308 and 18-309, which relate to the  
10 Oklahoma Wheat Resources Act; removing fixed fee rate  
11 for a bushel of wheat; providing that the Oklahoma  
12 Wheat Association shall assess a fee upon all  
13 marketed wheat; providing that a referendum may be  
14 called to determine continuation of the fee assessed  
15 by the Oklahoma Wheat Association; and providing an  
16 effective date.

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

18 SECTION 1. AMENDATORY 2 O.S. 2021, Section 18-308, is  
19 amended to read as follows:

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

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

16 D. Any unexpended balance contained in the revolving fund  
17 designated for the Wheat Utilization, Research and Market  
18 Development Commission as of November 1, 2016, shall be transferred  
19 and deposited to the credit of the General Revenue Fund of the State  
20 Treasury.

21 SECTION 2. AMENDATORY 2 O.S. 2021, Section 18-309, is  
22 amended to read as follows:

23 Section 18-309. A. Producers may petition for a referendum at  
24 any time after five (5) years following the effective date of the

1 Oklahoma Wheat Resources Act to determine if the assessment is to be  
2 continued.

3 B. The ~~President~~ Commissioner of the State Board of Agriculture  
4 shall call and conduct a referendum if the petitions bear signatures  
5 of ten percent (10%) of the wheat producers. No more than one such  
6 referendum shall be conducted in any one thirty-six-month period.  
7 The State Board of Agriculture shall determine if the petition bears  
8 the required number of valid signatures. The ~~President~~ Commissioner  
9 shall announce the referendum at least thirty (30) days prior to the  
10 day of voting. At least thirty (30) days before the referendum, the  
11 ~~President~~ Commissioner shall mail a notice of the referendum to all  
12 known wheat producers in the State of Oklahoma who market wheat in  
13 commercial quantities. The notice shall specify the dates, times,  
14 and places for holding the referendum. The notice shall also  
15 include a sample ballot with the following wording:

16 DO YOU FAVOR A CONTINUATION OF THE ~~20 MILL PER BUSHEL~~ FEE  
17 ASSESSMENT ON WHEAT MARKETED IN OKLAHOMA FOR UTILIZATION,  
18 RESEARCH AND MARKET DEVELOPMENT?

19 YES ( ) NO ( )

20 C. Places within each county for conducting the referendum  
21 shall be designated by the Agricultural Extension Division of  
22 Oklahoma State University. Voting in each county shall be  
23 supervised by the county agricultural extension agent, or a person  
24

1 designated by the Extension Division in cases where there is no  
2 county agent in a county at the time of the referendum.

3 D. The Oklahoma Wheat Commission shall ensure sufficient  
4 ballots and supplies necessary for conducting the voting and the  
5 tabulation of returns.

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

12 F. The results of the referendum shall be determined by the  
13 President and the results certified to the Governor, who shall issue  
14 a proclamation declaring the results.

15 G. The Commission shall bear expenses of advertising and  
16 conducting the referendum.

17 H. Whenever the question of levying the assessments is  
18 disapproved, by failure of sixty percent (60%) of the producers  
19 voting in the referendum to favor continuation of the assessments,  
20 the proclamation declaring the result shall provide for the  
21 termination of the assessments on April 30, following the date of  
22 the referendum.

23 I. Thirty (30) days after termination of the assessment, all  
24 remaining funds of the Commission shall be transferred to the

1 Experiment Stations of Oklahoma State University, to be used for  
2 continued research on wheat.

3 SECTION 3. This act shall become effective November 1, 2023.

4 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS  
5 April 10, 2023 - DO PASS

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