An Act

ENROLLED SENATE
BILL NO. 488

By: Howard of the Senate

and

Patzkowsky of the House

An Act relating to the Oklahoma Wheat Resources Act; amending 2 O.S. 2021, Section 18-308, which relates to assessment and allocation of certain fee; requiring the Oklahoma Wheat Commission to assess a certain fee; amending 2 O.S. 2021, Section 18-309, which relates to the referendum to determine continuation of certain fee; modifying certain referendum question; and providing an effective date.

SUBJECT: Oklahoma Wheat Resources Act

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

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

Section 18-308. A. ~~There is hereby assessed~~ The Oklahoma Wheat Commission shall assess a fee ~~of two cents ($0.02) per bushel~~ upon all wheat marketed by wheat producers in this state and sold through commercial channels. The fee is assessed and imposed on the 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.

B. The Commission shall allocate twenty percent (20%) of the ~~two-cent~~ fee levied and collected pursuant to subsection A of this section to the Oklahoma Wheat Research Foundation for the purpose of conducting wheat research, including, but not limited to, utilization and educational projects, less the cost of collecting the fee, such cost not to exceed fifty percent (50%) of the total of

the office rental and clerical costs, and the costs of supplies and postage and such cost to be prorated on the basis of eighty percent (80%) to the Commission and twenty percent (20%) to the Oklahoma Wheat Research Foundation.

C. In order for the Oklahoma Wheat Research Foundation to qualify for the allocation of twenty percent (20%) of collected fees, the Commission shall appoint a member of the Oklahoma Wheat Commission to the Oklahoma Wheat Research Foundation board of directors.

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

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

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

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

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

YES ( ) NO ( )

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

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

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

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

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

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

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

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

Passed the Senate the 22nd day of February, 2023.

Brent Howard
Presiding Officer of the Senate

Passed the House of Representatives the 25th day of April, 2023.

Ryan Martinez
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 26th
day of April, 20 23, at 12:35 o'clock p. M.
By: Jamie Cummings

Approved by the Governor of the State of Oklahoma this 2nd
day of May, 20 23, at 10:17 o'clock a. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 2nd
day of May, 20 23, at 1:19 o'clock p M.
By: Brian Bingman