

# PERSPECTIVE

May 6, 2022



(Left to right) Caddo County Farm Bureau members Brenda Novotny and Linda Taggart visit with Creek County Farm Bureau member Rebekah McIntosh during the 2022 WLC conference.



Oklahoma Secretary of Agriculture Blayne Arthur (left) visits with LeFlore County Farm Bureau member Jan West during the 2022 WLC conference.

## OKFB women gather for 2022 WLC conference in Norman

**M**ore than 90 women attended the 2022 Oklahoma Farm Bureau Women's Leadership Committee Conference April 22-23 at the NCED Hotel and Conference Center in Norman.

The two-day event featured breakout sessions, a community service project, a silent auction and speakers including Oklahoma Secretary of Agriculture Blayne Arthur and OKFB President Rodd Moesel.

Women had the option to choose

from ten breakout sessions to grow their knowledge about financial planning; the Oklahoma Department of Agriculture, Food and Forestry; food preservation; the Oklahoma Mesonet; organization ideas; raised-bed gardening; meal planning; food safety; power takeoffs and farm safety; and ways to earn additional income.

Money raised from the silent auction, which amounted to more than \$2,000, will benefit the OKFB WLC Nurse's

Training Scholarship. The scholarship is presented to three Farm Bureau members who are pursuing a career in the medical field, especially in rural Oklahoma.

Members also created more than 75 lap blankets for the Norman Veterans Center as a community service project.

To learn more about WLC, contact Marcia Irvin, OKFB senior director of Women's Leadership Committee and safety, at (405) 523-2300.



## Okmulgee County Farm Bureau members visit state Capitol

Sen. Roger Thompson (second from left) visits with Okmulgee County Farm Bureau members during the group's legislative visit Tuesday, April 26.

# Legislative update: third-party assessors, county zoning, spray drift bills round out April legislative work

April 29 marked the last major policy deadline ahead of the 2022 legislative session adjournment May 27.

HB 4413 by Rep. Dick Lowe and Sen. John Michael Montgomery passed the Senate with the title stricken. The bill would remove third-party assessors from disputed ad valorem assessment litigation and negotiations while still allowing them to be utilized to make the initial assessment. HB 4413 seeks to mitigate issues surrounding increasing and prolonged assessment disputes that have handicapped school districts across the state that rely on ad valorem revenue.

As HB 4413 has made its way through the legislative process this year, county assessors have expressed their concern that removing third-party assessors – who often have the knowledge and expertise needed to assess complicated and high-value items like equipment used by the wind energy sector – could result in a disparity during litigation and negotiations if the protesting party is allowed to have an assessment expert as part of their legal team.

HB 4413 will now move either to conference committee between the two chambers or back to the House for further consideration.

Oklahoma Farm Bureau discovered

new language at the end of April in a bill seeking to allow county commissioners to use federal funds received through the Coronavirus Aid, Relief and Economic Security Act (CARES Act) without significant oversight from the state. The new clause was added into HB 2233 by Rep. Lonnie Sims and Sen. John Haste to broaden the scope of county authority and would not be limited to CARES Act funding; it could also allow counties the authority to zone in rural, unincorporated areas.

Farm Bureau members were successful at the beginning of the 2022 legislative session in defeating two bills that sought to give counties the authority to create and enforce rules, regulations, policies, procedures and codes deemed necessary by the county so long as the state had not explicitly prohibited such action. OKFB will work to remove the county zoning language in HB 2233.

While several medical marijuana bills have moved steadily this year, some have failed deadlines due to hang-ups between the two chambers and members of each body.

One bill that got caught in the crossfire was SB 1261 by Sen. Brent Howard and Rep. John Pfeiffer. SB 1261 looked to limit compensation for crops

and plants damaged by unintentional spray drift to those that are insurable under the Federal Crop Insurance Corporation program. The goal of SB 1261 was to give more certainty to farmers, ranchers and applicators after many were unable to spray during the 2021 season due to unknown medical marijuana grow locations and concern of financial liability if the crop was unintentionally damaged.

HB 3827 by Rep. Mike Dobrinski and Sen. Casey Murdock, another bill that could have helped alleviate concerns for farmers and ranchers spraying their crops and pastures, also failed to advance. HB 3827 would have required outdoor medical marijuana growers licensed by the state to register as an environmentally sensitive crop with the Oklahoma Department of Agriculture, Food and Forestry. Requiring registration would have allowed private and commercial pesticide applicators to know the location of outdoor marijuana grows and minimize the concern of damaging a neighboring marijuana operation.

For an update on weekly happenings at the Capitol and an outlook on what is ahead, be sure to tune in to Oklahoma Farm Bureau's weekly public policy update each Friday at noon via Zoom.

---

## Jackson, Kiowa and Washita Counties host legislative dinner



Rep. Trey Caldwell (left) speaks to Jackson, Kiowa and Washita County Farm Bureau members during the counties' joint legislative dinner Thursday, April 28 in Hobart. Members learned about and discussed a variety of issues facing Oklahoma agriculture and rural communities, including legislation aimed at refining Oklahoma's medical marijuana industry.

## SCOTUS begins evaluation of *McGirt* fallout in *Oklahoma v. Castro-Huerta*

The United States Supreme Court heard oral arguments in the case of *Oklahoma v. Castro-Huerta* on Wednesday, April 27. Earlier this year, the Oklahoma Farm Bureau Legal Foundation submitted an amicus curiae – or “friend of the court” – brief alongside the Environmental Federation of Oklahoma, Oklahoma Cattlemen’s Association and the Petroleum Alliance of Oklahoma in support of the state of Oklahoma’s position.

Castro-Huerta stems from the 2020 ruling in *McGirt v. Oklahoma*, where the Supreme Court ruled that the state of Oklahoma did not have jurisdiction to prosecute Jimcy McGirt, a member of the Muscogee Creek Nation, for a crime committed in part of eastern Oklahoma considered to be a tribal reservation – also known as “Indian country” – under the federal Major Crimes Act. The Court ruled prosecution could only be sought by federal or tribal entities.

In *Castro-Huerta*, the Supreme Court will consider whether the state has the right to seek prosecution of non-Indians who have committed crimes against

Indians on Muscogee Creek, Choctaw, Cherokee, Chickasaw, Seminole or Quapaw reservations in Oklahoma.

The OKFB Legal Foundation and participating organizations urged the Supreme Court to reverse the original decision by the Oklahoma Court of Criminal Appeals stating:

“The lower court’s conclusion, that the State lacks concurrent jurisdiction over Mr. Castro-Huerta’s criminal conduct, exacerbates the jurisdictional divestiture *McGirt* imposed. If its conclusion on this issue stands, only the federal government would have authority to prosecute, not just Major Crimes Act-defined crimes, but essentially all current state law crimes committed by non-Indians against Indians in ‘Indian Country.’ By virtue of *McGirt* and Oklahoma cases extending its holding to all Five Tribes Areas, ‘Indian country’ now encompasses nearly 43% of the State and nearly 2 million non-Indian Oklahomans.”

A decision is expected by June 30 unless SCOTUS holds the case for re-argument next term.

## OKFB Legal Foundation files brief with partners in WOTUS Supreme Court case

The Oklahoma Farm Bureau Legal Foundation recently joined 20 other state Farm Bureaus to file an amicus curiae – or “friend of the court” – brief in support of the petitioner in the *Sackett v. Environmental Protection Agency* United States Supreme Court case review.

### *Sackett v. EPA*

Now spanning more than a decade, *Sackett v. EPA* focuses on federal jurisdiction of wetlands under the 1972 Clean Water Act. The case began with a dispute over a piece of the Sackett family’s land in Idaho that was filled and leveled for home construction. Soon after filling the land, the Sackett family received word from the EPA stating the land was in fact a wetland under the protection of the CWA and needed to be reverted to its original state.

While the United States Supreme Court upheld the Sacketts’ right to

challenge the EPA’s action in 2012, the means to determine whether a body of water is a “water of the United States” remains unclear and controversial.

An attempt was made to clarify the definition of WOTUS in 2015 through the Clean Water Rule but was repealed in 2019 and eventually replaced with the Navigable Waters Protection Rule in 2020.

In January 2022, SCOTUS agreed to hear the case once again. In doing so, SCOTUS will decide the proper test to be used in considering whether applicable wetlands are “waters of the United States.”

### Read More

Learn more about the brief and OKFB’s take on the *Sackett* case online at: [okfb.news/WOTUS22](https://okfb.news/WOTUS22)

## Reminder: District Ag PAC meetings to be held May 9-17

Oklahoma Farm Bureau will hold districtwide meetings for the OKFB Ag PAC political action committee May 9-17. Each county Farm Bureau is encouraged to send one member to represent their county at their respective district meeting. The representative need not be a county president or county board member, but must be a voting OKFB member in good standing.

Please note: the **District 4** meeting information has been corrected since the last Perspective issue.

### District One

**Thursday, May 12 • Noon**  
Fairview Methodist Church  
US 270, Slapout

### District Two

**Monday, May 9 • Noon**  
Kiowa County Farm Bureau  
801 S. Broadway Ave., Hobart

### District Three

**Monday, May 9 • 6 p.m.**  
Canadian County Farm Bureau  
2020 Sunset Dr., El Reno

### District Four

**Friday, May 13 • Noon**  
Casa Romo  
120 W. Main St., Ardmore

### District Five

**Tuesday, May 17 • Noon**  
Pete’s Place Restaurant  
120 S.W. 8th St., Krebs

### District Six

**Wednesday, May 11 • Noon**  
Mayes County Farm Bureau  
1521 E. Graham Ave., Pryor

### District Seven

**Thursday, May 12 • 6 p.m.**  
Garfield County Farm Bureau  
408 W. Willow Rd., Enid

### District Eight

**Monday, May 16 • 6 p.m.**  
Seminole County Farm Bureau  
1801 W. Wrangler Blvd., Seminole

### District Nine

**Tuesday, May 17 • 6 p.m.**  
Freddie’s BBQ  
9999 SH-66, Sapulpa

**PUBLISHED BY  
OKLAHOMA FARM BUREAU**

**Postmaster:**

Send address corrections to:

*Perspective*  
P.O. Box 53332,  
Oklahoma City, OK 73152-3332

**STAFF DIRECTORY**

**EXECUTIVE DIRECTOR**

Thad Doye  
(405) 523-2438

**VICE PRESIDENT OF COMMUNICATIONS AND  
PUBLIC RELATIONS**

Dustin Mielke  
(405) 530-2640

**ASSISTANT DIRECTOR OF MEDIA RELATIONS  
AND ADVOCACY COMMUNICATIONS**

Rachel Havens  
(405) 523-2346

**COMMUNICATIONS SPECIALIST**

Rebekah Nash  
(405) 523-2457

Oklahoma Farm Bureau  
2501 N. Stiles  
Oklahoma City, OK 73105-3126

Non-Profit  
U.S. Postage  
PAID  
Permit No. 131  
Okla. City, OK.

## OKFB shares Oklahoma agriculture with southern region AFBF presidents and administrators at conference in OKC

**S**tate Farm Bureau leaders and staff from around American Farm Bureau's southern region gathered in Oklahoma City April 28-30 for the annual AFBF Southern Region Presidents and Administrators Conference.

OKFB planned and hosted the three-day event for leaders and their spouses from 14 states in AFBF's southern region, which stretches from Oklahoma to the eastern seaboard.

The fellow Farm Bureau members toured agriculture, industry and travel destinations during the conference. The group heard from a wide array of Oklahoma elected officials and leaders, including Gov. Kevin Stitt, Secretary of Agriculture Blayne Arthur, Congressman Frank Lucas and Attorney General John M. O'Connor.

AFBF President Zippy Duvall was on-hand for the event, and asked the group to share the top agriculture issues and ideas from around the region to help improve Farm Bureau and agriculture.



Gov. Kevin Stitt (left) poses for a photo with AFBF President Zippy Duvall (right) and Duvall's wife, Jennifer, before dinner during the Southern Region Farm Bureau Presidents & Administrators Conference in Oklahoma City Friday, April 29. Stitt addressed Farm Bureau leaders from 14 southern states during the evening event.



Caddo County farmer Dean Smith (right) talks about his specialty-crop farm which includes chili peppers. Smith's farm was one of several tour stops in the area where Farm Bureau presidents and administrators from 14 southern states learned about Oklahoma agriculture and industry.