

THE HOUSE OF REPRESENTATIVES  
Monday, March 3, 2008

House Bill No. 2778

HOUSE BILL NO. 2778 - By: DEWITT of the House and \_\_\_\_ of the Senate.

An Act relating to agriculture; amending 2 O.S. 2001, Section 18-245, which relates to the Oklahoma Sorghum Resources Act; providing exemption for the collection of fees; providing an effective date; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 2 O.S. 2001, Section 18-245, is amended to read  
2 as follows:

3 Section 18-245. A. 1. Beginning ninety (90) days after the election of the initial  
4 Oklahoma Sorghum Commission, there is hereby assessed a fee of one cent (\$0.01) per  
5 bushel upon all sorghum marketed by sorghum producers in this state and sold or  
6 handled through commercial channels. The fee shall be assessed and imposed upon the  
7 sorghum producer at the time of sale or delivery and shall be collected and remitted by  
8 the first purchaser to the Commission. Pursuant to the provisions of the Oklahoma  
9 Sorghum Resources Act, no sorghum shall be subject to assessment of a fee more than  
10 once.

11 2. No assessments for sorghum shall be collected in accordance with this section  
12 while a national checkoff program for sorghum established pursuant to 7 CFR 1221  
13 remains in effect. The collection of assessments in accordance with this section shall be

1 reinstated upon suspension or termination of the program for sorghum established  
2 pursuant to 7 CFR 1221.

3 B. 1. The first purchaser shall collect the assessment by deducting the appropriate  
4 amount from the purchase price of the sorghum or from any funds advanced for that  
5 purpose.

6 2. The Commission, by registered or certified mail, shall notify each first purchaser  
7 of the duty to collect the assessment, the manner in which the assessment is to be  
8 collected, and the date on or after which the first purchaser is to begin collecting the  
9 assessment.

10 3. The amount of the assessment collected shall be clearly shown on the sales  
11 invoice or other document evidencing the transaction. The first purchaser shall furnish a  
12 copy of the document to the sorghum producer.

13 4. The Commission shall establish, by rule, the procedures for the collection and  
14 remittance of the assessment.

15 SECTION 2. This act shall become effective July 1, 2008.

16 SECTION 3. It being immediately necessary for the preservation of the public  
17 peace, health and safety, an emergency is hereby declared to exist, by reason whereof  
18 this act shall take effect and be in full force from and after its passage and approval.

19 COMMITTEE REPORT BY: COMMITTEE ON NATURAL RESOURCES dated 02-28-08  
20 - DO PASS.