

EHB 2778

1 THE STATE SENATE  
2 Tuesday, April 01, 2008

3 ENGROSSED

4 House Bill No. 2778

5 ENGROSSED HOUSE BILL NO. 2778 - By: DeWitt and Kiesel of the House  
6 and Justice of the Senate.

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

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

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

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

24 2. No assessments for sorghum shall be collected in accordance  
25 with this section while a national checkoff program for sorghum  
26 established pursuant to 7 CFR 1221 remains in effect. The

1 collection of assessments in accordance with this section shall be  
2 reinstated upon suspension or termination of the program for sorghum  
3 established pursuant to 7 CFR 1221.

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

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

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

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

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT,  
24 dated 3-31-08 - DO PASS.