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AS AMENDED

By: Pederson of the Senate

Hilbert of the House

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

4. "Department" means the ~~State~~ Oklahoma Department of Agriculture, Food, and Forestry;

1 5. "First purchaser" means any person buying or acquiring after
2 harvest the property in or to sorghum from a sorghum producer. A
3 mortgagee, pledgee, lienholder, or other person having a claim
4 against the sorghum producer under a nonrecourse loan made against
5 the sorghum after harvest shall be a purchaser. The term "first
6 purchaser" shall not include a harvesting or threshing lienee;

7 ~~6. "Fiscal year" means the sorghum accounting year beginning~~
8 ~~July 1 of each year and ending June 30 of the following year;~~

9 ~~7.~~ "President" means the President of the State Board of
10 Agriculture;

11 ~~8. "Sorghum processor" means a person who commercially~~
12 ~~manufactures products made from grain sorghum or animal feed; and~~

13 ~~9.~~ 7. "Sorghum producer" or "producer" means an individual
14 engaged in the production of sorghum, who markets sorghum in
15 commercial quantities in Oklahoma. Each individual determined to be
16 an entity pursuant to rules promulgated by the United States
17 Department of Agriculture Farm Service Agency shall be considered a
18 sorghum producer.

19 SECTION 2. AMENDATORY 2 O.S. 2011, Section 18-245, is
20 amended to read as follows:

21 Section 18-245. A. 1. ~~Beginning ninety (90) days after the~~
22 ~~election of the initial Oklahoma Sorghum Commission, there~~ There is
23 hereby assessed a fee of one cent (\$0.01) per bushel upon all
24 sorghum marketed by sorghum producers in this state and sold or

1 handled through commercial channels. The fee shall be assessed and
2 imposed upon the sorghum producer at the time of sale or delivery
3 and shall be collected and remitted by the first purchaser to the
4 Commission. Pursuant to the provisions of the Oklahoma Sorghum
5 Resources Act, no sorghum shall be subject to assessment of a fee
6 more than once.

7 2. No assessments for sorghum shall be collected in accordance
8 with this section while a national checkoff program for sorghum
9 established pursuant to 7 CFR 1221 remains in effect. The
10 collection of assessments in accordance with this section shall be
11 reinstated upon suspension or termination of the program for sorghum
12 established pursuant to 7 CFR 1221.

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

16 2. The Commission, by registered or certified mail, shall
17 notify each first purchaser of the duty to collect the assessment,
18 the manner in which the assessment is to be collected, and the date
19 on or after which the first purchaser is to begin collecting the
20 assessment.

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

1 4. The Commission shall establish, ~~by rule,~~ through bylaws the
2 procedures for the collection and remittance of the assessment.

3 C. Any unexpended balance contained in the Oklahoma Sorghum
4 Resources Fund as of November 1, 2017, shall be transferred and
5 deposited to the credit of the General Revenue Fund of the State
6 Treasury.

7 SECTION 3. AMENDATORY 2 O.S. 2011, Section 18-246, is
8 amended to read as follows:

9 Section 18-246. A. The first purchaser shall render and have
10 on file a report along with remittance of the fees collected
11 pursuant to the Oklahoma Sorghum Resources Act on the fifteenth of
12 each calendar quarter. The report shall include the total amount of
13 fees assessed by the first purchaser, the total amount of sorghum
14 purchased and other information as may be required by the Oklahoma
15 Sorghum Commission.

16 B. If the first purchaser fails to make a report and remittance
17 as required by the Oklahoma Sorghum Resources Act, the Commission
18 shall determine the amount collected and owed by the first
19 purchaser, which shall be prima facie correct. Any first purchaser
20 having failed to make the report as required by the Oklahoma Sorghum
21 Resources Act shall, within ten (10) days after notice of the
22 computed collection amount established by the Commission is mailed
23 to the first purchaser, pay the computed collection amount, together
24 with a penalty of five percent (5%) of the computed collection

1 amount. The first purchaser may dispute the computed collection
2 amount established by the Commission and request the Commission to
3 hold a hearing to redetermine the amount of the computed collection
4 and the penalty to be imposed. No payment shall be made until the
5 Commission enters its order determining the amount of payment. The
6 payment of the determined collection amount and penalty shall be
7 paid within ten (10) days of notice of the decision.

8 C. At any time the ~~State~~ Oklahoma Department of Agriculture,
9 Food, and Forestry may request an audit of the first purchaser to
10 determine whether the collection and proper disposition of the
11 collected assessment were made pursuant to the provisions of the
12 Oklahoma Sorghum Resources Act ~~and rules promulgated thereto.~~

13 D. The first purchaser shall retain any records or reports
14 relating to the collection of the assessment for at least three (3)
15 years.

16 SECTION 4. AMENDATORY 2 O.S. 2011, Section 18-251, is
17 amended to read as follows:

18 Section 18-251. A. Sorghum producers may petition for a
19 referendum to determine if the assessment is to be continued, at any
20 time ~~after five (5) years following November 1, 1997.~~ The President
21 of the State Board of Agriculture shall call and conduct a
22 referendum if the petitions bear signatures of ten percent (10%) of
23 the sorghum producers. No more than one referendum shall be
24 conducted in any one thirty-six-month period. The ~~State~~ Oklahoma

1 Department of Agriculture, Food, and Forestry shall determine if the
2 petition bears the required number of valid signatures. The
3 President shall announce the referendum at least thirty (30) days
4 prior to the day of voting. At least thirty (30) days before the
5 referendum, the Department shall mail a notice of the referendum to
6 all known sorghum producers in the State of Oklahoma who market
7 sorghum in commercial quantities. The notice shall specify the
8 dates, times, and places for holding the referendum, and shall
9 include a sample ballot with the following wording:

10 DO YOU FAVOR A CONTINUATION OF THE ONE CENT (\$0.01) PER BUSHEL
11 ASSESSMENT ON SORGHUM MARKETING IN OKLAHOMA FOR UTILIZATION,
12 RESEARCH, EDUCATION, PROMOTION, AND MARKET DEVELOPMENT?

13 YES ()

NO ()

14 B. Places within each county for conducting the referendum
15 shall be designated by the ~~Oklahoma Sorghum Commission~~ Agricultural
16 Extension Division of Oklahoma State University, and voting in each
17 county shall be supervised by the county agricultural extension
18 agent, or person designated by the Department. The Oklahoma Sorghum
19 Commission shall ensure sufficient ballots and supplies necessary
20 for the conduct of the voting and tabulation of returns. Certified
21 results of the referendum in each district shall be transmitted
22 within twenty-four (24) hours after voting ends to the President,
23 and the ballots shall be transmitted to the President within forty-

1 eight (48) hours. Ballots shall be preserved by the President for a
2 period of at least three (3) months.

3 C. 1. The results of the referendum shall be determined by the
4 President, and the results certified to the ~~Chair of the Commission~~
5 Governor who shall issue a proclamation declaring the results.

6 2. The Commission shall bear expenses of advertising and
7 conducting the referendum.

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

14 SECTION 5. REPEALER 2 O.S. 2011, Section 18-242, as
15 amended by Section 1, Chapter 107, O.S.L. 2013 (2 O.S. Supp. 2016,
16 Section 18-242), is hereby repealed.

17 SECTION 6. REPEALER 2 O.S. 2011, Section 18-243, as
18 amended by Section 16, Chapter 304, O.S.L. 2012 (2 O.S. Supp. 2016,
19 Section 18-243), is hereby repealed.

20 SECTION 7. REPEALER 2 O.S. 2011, Section 18-244, is
21 hereby repealed.

22 SECTION 8. REPEALER 2 O.S. 2011, Section 18-247, is
23 hereby repealed.

1 SECTION 9. REPEALER 2 O.S. 2011, Section 18-249, is
2 hereby repealed.
3 SECTION 10. REPEALER 2 O.S. 2011, Section 18-250, is
4 hereby repealed.
5 SECTION 11. This act shall become effective November 1, 2017.

6 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
7 February 22, 2017 - DO PASS AS AMENDED
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