

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2778

By: DeWitt

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6 AS INTRODUCED

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 fees; providing an effective date; and declaring
an emergency.

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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.

1 2. No assessments for sorghum shall be collected in accordance
2 with this section while a national checkoff program for sorghum
3 established pursuant to 7 CFR 1221 remains in effect. The
4 collection of assessments in accordance with this section shall be
5 reinstated upon suspension or termination of the program for sorghum
6 established pursuant to 7 CFR 1221.

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

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

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

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

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

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

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