

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

750N0653

SENATE ENGROSSED NO. **SB 128** - 02/05/2007

Introduced by: Senators Peterson (Jim), Abdallah, Bartling, Duenwald, Garnos, Gray, Greenfield, Hanson (Gary), Heidepriem, Hoerth, Hundstad, Koetzle, Lintz, Maher, and McCracken and Representatives Davis, Deadrick, Dennert, DeVries, Dykstra, Faehn, Hackl, Halverson, Jerke, Juhnke, Koistinen, Miles, Moore, Nelson, Noem, Novstrup (David), Nygaard, Peters, Pitts, Rausch, Rave, Rhoden, Sigdestad, Street, and Vanneman

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the Soybean Research
2 and Promotion Council.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 38-29-1 be amended to read as follows:

5 38-29-1. Terms used in this chapter, unless the context plainly otherwise requires, mean:

6 (1) "Council," the South Dakota Soybean Research and Promotion Council;

7 (2) "First purchaser," any person who initially places soybeans, whether as an owner or
8 agent, into the channels of trade and commerce, or who is engaged in the processing
9 of soybeans into any form. However, a grower ~~selling his~~ who sells unharvested
10 soybeans, or ~~delivering his~~ delivers soybeans from the farm on which they are
11 produced to storage facilities, packing shed, or processing plant, within the state, is
12 not a first purchaser;

13 (3) "Grower," any person who plants, raises, and harvests soybeans from more than ten



1 acres;

2 (4) "Participating grower," a grower who has not requested a refund from the payment
3 of assessments on soybean production under this chapter for a particular year and any
4 person who owns or operates an agricultural producing or growing facility for
5 soybeans and shares in the profits and risks of loss from such operation, and who
6 produces soybeans in South Dakota during the current or preceding marketing year;

7 (5) "Secretary," the secretary of the South Dakota Department of Agriculture;

8 (6) "Soybean," all varieties of soybeans marketed or harvested within the state;

9 (7) "Net market price," the sale price received by a producer for soybeans after
10 adjustments for any premium or discount based on grading or quality factors.

11 Section 2. That § 38-29-7 be amended to read as follows:

12 38-29-7. The Soybean Research and Promotion Council may:

13 (1) Enter into contracts, including loans and grants, and cooperate with any person, any
14 local, state, or national organization, whether public or private, or with any
15 governmental department or agency for the discovery, promotion, development, and
16 expansion of domestic and export markets and industries and for research, education,
17 and transportation;

18 (2) Expend the funds collected pursuant to this chapter and appropriated for its
19 administration;

20 (3) Appoint, bond, employ, discharge, fix compensation for, and prescribe the duties of
21 such personnel as it ~~may deem~~ deems necessary;

22 (4) Accept donations of funds, property, services, or other assistance from public or
23 private sources for the purpose of furthering the objectives of the council;

24 (5) Lease, purchase, own, maintain, operate, and dispose of equipment and supplies

necessary to carry out the provisions of this chapter;

(6) Formulate policies and programs regarding the discovery, promotion, and development of markets and industries for the use of soybeans grown within the state.

Section 3. That § 38-29-8 be amended to read as follows:

38-29-8. An assessment ~~of one cent per bushel~~ at the rate of one-half of one percent of the value of the net market price is imposed by the soybean research and promotion council upon all soybeans grown in the state or sold to a first purchaser within the state. This assessment ~~shall be~~ is due upon any identifiable lot or quantity of soybeans. Any soybean producer operating under a national organic program approved by the United States Department of Agriculture who produces and markets only commodities that may be labeled, one hundred percent organic, is eligible for exemption from paying the soybean assessment.

Section 4. That § 38-29-12 be repealed.

~~38-29-12. Any grower subject to the assessment provided in this chapter, within sixty days following the assessment, may apply to the soybean research and promotion council for a refund of the assessment. Upon the return of the refund application, accompanied by a record of the assessment by the first purchaser, the grower, within sixty days, shall be refunded the amount of the assessment collected. However, a grower who has paid the assessment more than once on the same soybeans is entitled to a refund of the overpayment.~~

Section 5. That § 38-29-13 be amended to read as follows:

38-29-13. The Soybean Research and Promotion Council, to inform the grower, shall develop and disseminate information and instructions relating to the purpose of the soybean assessment ~~and manner in which refunds may be claimed~~; and to this extent shall cooperate with governmental agencies, state and federal, and private businesses engaged in the purchase of

1 soybeans.

2 Section 6. That chapter 38-29 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 The assessment authorized pursuant to §§ 38-29-8 and 38-29-9 may be imposed and
5 collected only if the National Soybean Promotion, Research, and Consumer Information Act,
6 7 U.S.C. §§ 6301-6311, as amended to January 1, 2007, is repealed.