

AN ACT

ENTITLED, An Act to revise certain provisions related to the Soybean Research and Promotion Council.

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

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

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

- (1) "Council," the South Dakota Soybean Research and Promotion Council;
- (2) "First purchaser," any person who initially places soybeans, whether as an owner or agent, into the channels of trade and commerce, or who is engaged in the processing of soybeans into any form. However, a grower who sells unharvested soybeans, or delivers soybeans from the farm on which they are produced to storage facilities, packing shed, or processing plant, within the state, is not a first purchaser;
- (3) "Grower," any person who plants, raises, and harvests soybeans from more than ten acres;
- (4) "Participating grower," a grower who has not requested a refund from the payment of assessments on soybean production under this chapter for a particular year and any person who owns or operates an agricultural producing or growing facility for soybeans and shares in the profits and risks of loss from such operation, and who produces soybeans in South Dakota during the current or preceding marketing year;
- (5) "Secretary," the secretary of the South Dakota Department of Agriculture;
- (6) "Soybean," all varieties of soybeans marketed or harvested within the state;
- (7) "Net market price," the sale price received by a producer for soybeans after adjustments for any premium or discount based on grading or quality factors.

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

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

- (1) Enter into contracts, including loans and grants, and cooperate with any person, any local, state, or national organization, whether public or private, or with any governmental department or agency for the discovery, promotion, development, and expansion of domestic and export markets and industries and for research, education, and transportation;
- (2) Expend the funds collected pursuant to this chapter and appropriated for its administration;
- (3) Appoint, bond, employ, discharge, fix compensation for, and prescribe the duties of such personnel as it deems necessary;
- (4) Accept donations of funds, property, services, or other assistance from public or private sources for the purpose of furthering the objectives of the council;
- (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 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 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.

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 to this extent shall cooperate with governmental agencies, state and federal, and private businesses engaged in the purchase of soybeans.

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

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

An Act to revise certain provisions related to the Soybean Research and Promotion Council.

I certify that the attached Act
originated in the

SENATE as Bill No. 128

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 128

File No. _____

Chapter No. _____

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock ____ M.

Secretary of State

By _____
Asst. Secretary of State