

CHAPTER 88

(HB 336)

AN ACT relating to soybeans.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS 247.510 TO 247.595 IS CREATED TO READ AS FOLLOWS:

- (1) *Notwithstanding KRS 247.510 to 247.595, no assessment levied under KRS 247.510 to 247.595 shall be effective as long as the federal Soybean Promotion, Research, and Consumer Information Act, 7 U.S.C. secs. 6301 to 6311, is in effect.*
- (2) *If the federal act is terminated or suspended, any assessment levied under KRS 247.510 to 247.595 shall become effective and shall be collected and utilized according to the provisions of KRS 247.510 to 247.595.*

Section 2. KRS 247.530 is amended to read as follows:

- (1) *Any existing association which is fairly representative of the soybean producers of Kentucky may at any time after the effective date of this Act*~~[In the event that a valid petition is filed with the Kentucky Soybean Association and certified by the Commissioner of Agriculture, the Kentucky Soybean Association shall]~~ make application to the State Board of Agriculture on forms prescribed by the board *for certification and approval for the purpose of conducting a referendum among the producers of soybeans upon the question of levying an assessment under the provisions of KRS 247.510 to 247.595, and for collecting and utilizing the assessment for the purpose stated in the referendum*~~[and approved for the purpose of conducting a referendum among the producers of soybeans pursuant to KRS 247.510 to 247.595].~~
- (2) ~~[Upon receipt of such application,]~~The Commissioner shall publish *the*~~[such]~~ application through the medium of the public press in the state within ten (10) days of receipt *of the application*~~[thereof].~~

Section 3. KRS 247.552 is amended to read as follows:

No assessment levied by any referendum conducted under the provisions of KRS 247.510 to 247.595 shall exceed the rate of one-fourth of one percent (0.25%) of the net market price per bushel on all soybeans marketed within the Commonwealth. The assessment shall be deducted from the amount paid the producer at the first point of sale~~[There is hereby imposed and levied an assessment at the rate of one fourth of one percent (0.25%) of the net market price per bushel on all soybeans marketed within the Commonwealth, such assessment to be deducted from the amount paid the producer at the first point of sale. The question of the levy of the assessment on soybeans, provided for herein, may be referred to a vote of the soybean producers of the state by the filing of petitions with the Kentucky Soybean Association containing signatures of Kentucky soybean producers equal in number to twenty percent (20%) of all soybean producers in the state as recorded in the latest United States census of agriculture. If such petitions are filed and at the referendum election a majority of the Kentucky soybean producers voting on the question vote against the levy on soybeans, the assessment shall not thereafter be levied. Only those soybean producers who produced soybeans in Kentucky in the crop year immediately preceding the referendum shall be eligible to vote in the election].~~

Section 4. KRS 247.553 is amended to read as follows:

A first purchaser who purchases soybeans *in accordance with*~~[pursuant to]~~ a contract or otherwise with the intent of utilizing the soybeans for seed stock shall be responsible for remitting the assessment due on the soybeans as required by KRS 247.570. The assessment shall be collected from the producer at the time of final settlement for the soybeans. The assessment on soybeans marketed for use as seed stock shall be based upon *the percentage specified in Section 3 of this Act, multiplied by*~~[one fourth of one percent (0.25%) of]~~ the posted county price for soybeans on the day of settlement as posted at the local *Farm Service Agency*~~[Agricultural Stabilization and Conservation Service (ASCS)]~~ office for the county in which the first purchaser is located. *No assessment shall be collected unless the assessment in Section 3 of this Act is in force.*

Section 5. KRS 247.573 is amended to read as follows:

There is hereby established a *Kentucky Soybean Promotion Board*~~[promotion board]~~ *The promotion board shall consist* of four (4) members appointed by the Kentucky Soybean Association; two (2) members appointed by the Kentucky Farm Bureau Federation;~~[and]~~ one (1) member appointed by the Commissioner of Agriculture; *the Kentucky director or directors who serve on the United Soybean Board; and the Kentucky director or directors*

who serve on the American Soybean Association. The appointments shall be for terms of two (2) fiscal years, a fiscal year running from July 1 to the following June 30, and each appointing body shall promptly file with the promotion board the names of its respective appointees.

Approved March 28, 2006.