

## HOUSE BILL No. 2391

By Committee on Agriculture and Natural Resources

2-5

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9 AN ACT concerning grain commodity commissions; relating to assess-  
10 ments and refunds; amending K.S.A. 2006 Supp. 2-3007 and repealing  
11 the existing section.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2006 Supp. 2-3007 is hereby amended to read as  
15 follows: 2-3007. (a) There is hereby levied an assessment upon grain sor-  
16 ghum marketed through commercial channels in the state of Kansas. The  
17 grain sorghum commission shall set the assessment at a rate of not more  
18 than ~~five mills per bushel~~ *0.6 of 1% of the net market price received by*  
19 *the grower*. There is hereby levied an assessment upon corn marketed  
20 through commercial channels in the state of Kansas. The corn commission  
21 shall set the assessment at a rate of not more than five mills per bushel.  
22 There is hereby levied an assessment upon soybeans marketed through  
23 commercial channels in the state of Kansas. The soybean commission  
24 shall set the assessment at a rate of not more than ~~20 mills per bushel~~ *0.5*  
25 *of 1% of the net market price received by the grower*. There is hereby  
26 levied an assessment upon wheat marketed through commercial channels  
27 in the state of Kansas. The wheat commission shall set the assessment at  
28 a rate of not more than ~~10~~ 20 mills per bushel. There is hereby levied an  
29 assessment upon sunflowers marketed through commercial channels in  
30 the state of Kansas. The sunflower commission shall set the assessment  
31 at a rate of not more than seven and one-half mills per bushel (\$0.03 per  
32 cwt). Any commission shall not change the assessment rate, either to  
33 increase or reduce, more than once a year. Such assessment shall be levied  
34 and assessed to the grower at the time of sale, and shall be shown as a  
35 deduction by the first purchaser from the price paid in settlement to the  
36 grower. Under the provisions of this act, no corn, grain sorghum, soy-  
37 beans, wheat or sunflowers shall be subject to the assessment more than  
38 once. The commission shall furnish to every first purchaser receipt forms  
39 which shall be issued by such first purchaser to the grower upon the  
40 payment of such assessment. The form shall indicate thereon the pro-  
41 cedure by which the grower may obtain a refund of any such assessment,  
42 except a refund shall not be issued unless the amount of the refund is \$5  
43 or more. Within ~~one year~~ *90 days* after any and all sales during such

1 period the grower may upon submission of a request therefor to the  
2 commission, obtain a refund in the amount of the assessments deducted  
3 by the first purchaser. Such request shall be accompanied by evidence of  
4 the payment of the assessments which need not be verified.

5 (b) The commission shall keep complete records of all refunds made  
6 under the provisions of this section. Records of refunds may be destroyed  
7 two years after the refund is made. All funds expended by the commission  
8 in the administration of this act and for the payment of all claims growing  
9 out of the performance of any duties or activities pursuant to this act shall  
10 be paid from the proceeds derived from such assessment. In the case of  
11 a lien holder who is a first purchaser as defined in this act, the assessment  
12 shall be deducted by the lien holder from the proceeds of the claim  
13 secured by such lien at the time the corn, grain sorghum, soybeans, wheat  
14 or sunflowers are pledged or mortgaged. The assessment shall constitute  
15 a preferred lien and shall have priority over all other liens and encum-  
16 brances upon such corn, grain sorghum, soybeans, wheat or sunflowers.  
17 The assessment shall be deducted and paid as provided in this section  
18 whether such corn, grain sorghum, soybeans, wheat or sunflowers are  
19 stored in this or any other state.

20 (c) Any corn, grain sorghum, soybean, wheat or sunflowers acquired  
21 by a grower as defined in K.S.A. 2-3001, and amendments thereto, under  
22 the provisions of any federal program shall be subject to the provisions  
23 of this section.

24 (d) No assessments for soybeans shall be collected pursuant to sub-  
25 section (a) while the national checkoff program for soybeans, established  
26 pursuant to public law 101-624, remains in effect. Collection of assess-  
27 ments pursuant to subsection (a) shall be reinstated upon the withdrawal  
28 of the national checkoff program for soybeans, established pursuant to  
29 public law 101-624.

30 Sec. 2. K.S.A. 2006 Supp. 2-3007 is hereby repealed.

31 Sec. 3. This act shall take effect and be in force from and after its  
32 publication in the statute book.