

## HOUSE BILL No. 2898

By Committee on Agriculture and Natural Resources

2-14

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9 AN ACT concerning grain commodity commissions; relating to assess-  
10 ment refunds; amending K.S.A. 2007 Supp. 2-3007 and repealing the  
11 existing section.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2007 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. There is hereby levied an assessment upon  
19 corn marketed through commercial channels in the state of Kansas. The  
20 corn commission shall set the assessment at a rate of not more than five  
21 mills per bushel. There is hereby levied an assessment upon soybeans  
22 marketed through commercial channels in the state of Kansas. The soy-  
23 bean commission shall set the assessment at a rate of not more than 20  
24 mills per bushel. There is hereby levied an assessment upon wheat mar-  
25 keted through commercial channels in the state of Kansas. The wheat  
26 commission shall set the assessment at a rate of not more than 10 mills  
27 per bushel. There is hereby levied an assessment upon sunflowers mar-  
28 keted through commercial channels in the state of Kansas. The sunflower  
29 commission shall set the assessment at a rate of not more than seven and  
30 one-half mills per bushel (\$0.03 per cwt). Any commission shall not  
31 change the assessment rate, either to increase or reduce, more than once  
32 a year. Such assessment shall be levied and assessed to the grower at the  
33 time of sale, and shall be shown as a deduction by the first purchaser  
34 from the price paid in settlement to the grower. Under the provisions of  
35 this act, no corn, grain sorghum, soybeans, wheat or sunflowers shall be  
36 subject to the assessment more than once. ~~The commission~~ *department*  
37 *of agriculture* shall furnish to every first purchaser receipt forms which  
38 shall be issued by such first purchaser to the grower upon the payment  
39 of such assessment. ~~The commission shall furnish refund forms to every~~  
40 ~~first purchaser. The form shall indicate thereon the procedure by which~~  
41 ~~the grower may obtain a refund of any such assessment, except a state:~~

- 42 (1) *A refund request must be in the amount of \$5 or more;*  
43 (2) *a refund request must be submitted within one year after the date*

1 of sale;

2 (3) a request must be accompanied by evidence of the payment of the  
3 assessments;

4 (4) the first purchaser's name, address and first purchaser number;

5 (5) the date of sale, bushels and assessment amount;

6 (6) the producer's name, address and telephone number; and

7 (7) the signatures of the first purchaser and producer.

8 The producer shall mail the refund form to the commission from which  
9 the refund is sought. No refund shall ~~not~~ be issued unless the amount of  
10 the refund is \$5 or more. Within one year after any and all sales during  
11 such period the grower may upon submission of a request therefor to the  
12 commission, obtain a refund in the amount of the assessments deducted  
13 by the first purchaser. Such request shall be accompanied by evidence of  
14 the payment of the assessments which need not be verified.

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

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

34 (d) No assessments for soybeans shall be collected pursuant to sub-  
35 section (a) while the national checkoff program for soybeans, established  
36 pursuant to public law 101-624, remains in effect. Collection of assess-  
37 ments pursuant to subsection (a) shall be reinstated upon the withdrawal  
38 of the national checkoff program for soybeans, established pursuant to  
39 public law 101-624.

40 Sec. 2. K.S.A. 2007 Supp. 2-3007 is hereby repealed.

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