

# HOUSE BILL No. 1634

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 15-15.

**Synopsis:** Soybean promotion. Removes soybeans from the definition of "agricultural commodity" for purposes of the agricultural products promotion law. Requires the Indiana state department of agriculture to establish an Indiana soybean market development program (program) if the federal soybean promotion law expires or the Indiana Soybean Alliance (Alliance) is no longer subject to the federal soybean promotion law. Provides that the Alliance continues to collect the same fee that was collected under the federal soybean promotion law. Requires that the program contain a refund provision and that the money collected be used for market development, promotion, and research.

**Effective:** July 1, 2019.

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January 24, 2019, read first time and referred to Committee on Agriculture and Rural Development.

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First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

# HOUSE BILL No. 1634



A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 15-15-11-1, AS AMENDED BY P.L.130-2011,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 1. As used in this chapter, "agricultural  
4 commodity" means poultry, poultry products, cattle, dairy products,  
5 sheep, wool, goats, mint, ~~soybeans~~, wheat, or small grains. The term  
6 includes flour made from wheat or small grains.

7 SECTION 2. IC 15-15-11-15, AS AMENDED BY P.L.130-2011,  
8 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2019]: Sec. 15. (a) Except as provided in subsection (b), the  
10 dean of agriculture shall collect the fee imposed under the commodity  
11 market development program from the producers, handlers, or  
12 processors.

13 (b) This subsection applies to a commodity market development  
14 program for cattle, ~~or~~ dairy products. ~~or soybeans~~. The dean of  
15 agriculture shall collect ninety-seven percent (97%) of the fee imposed  
16 under the commodity market development program from the producers,  
17 handlers, or processors. A producer, handler, or processor may retain



1 the remaining three percent (3%) as compensation for collecting the  
2 fee.

3 (c) If a market development fee is unpaid on the date that the fee  
4 was due, a penalty of one percent (1%) per month is imposed beginning  
5 on the date the fee was due until payment plus the penalty is received  
6 by the dean of agriculture. If, after notice, a person defaults in a  
7 payment of the fee or penalties imposed under this subsection, the  
8 amount due shall be collected by civil action in the name of the state of  
9 Indiana at the request of the dean of agriculture, and the person  
10 adjudged in default shall pay the costs of the action. The attorney  
11 general, at the request of the dean of agriculture, and, if requested by  
12 the attorney general, the prosecuting attorney of any county, in which  
13 a cause of action arose under the provisions for the collection of fees  
14 due and unpaid, shall institute proper action in an Indiana court for the  
15 collection of unpaid fees and penalties.

16 (d) The individual commodity council market development fund is  
17 established. The fund consists of all fees paid to the dean of agriculture  
18 under that agricultural commodity program. The dean of agriculture  
19 shall spend all money credited to the fund, less administration  
20 expenses, for the use and benefit of the commodity market  
21 development council for which the fund is established.

22 (e) The dean of agriculture shall submit an annual statement to the  
23 commodity market development council that shows all receipts,  
24 administration expenses, refunds, and the balance credited to the fund.

25 (f) Not more than one (1) fee may be collected for an agricultural  
26 commodity under this chapter.

27 SECTION 3. IC 15-15-14 IS ADDED TO THE INDIANA CODE  
28 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2019]:

30 **Chapter 14. Indiana Soybean Market Development**

31 **Sec. 1. As used in this chapter, "federal soybean promotion law"**  
32 **refers to the federal Soybean Promotion, Research, and Consumer**  
33 **Information Act under 7 U.S.C. 6301 through 6311, including 7**  
34 **CFR Part 1220.**

35 **Sec. 2. As used in this chapter, "market development" means to:**

36 **(1) provide for the development of new or larger domestic and**  
37 **foreign markets for soybeans; and**

38 **(2) access federal government money available to the state to**  
39 **further the market development activities described in**  
40 **subdivision (1).**

41 **Sec. 3. As used in this chapter, "promotion" means:**

42 **(1) communication directly with soybean producers;**



- 1           (2) technical assistance; and  
 2           (3) trade marketing activities;  
 3 to enhance the marketing opportunities of soybeans for soybean  
 4 products in domestic and foreign markets.  
 5       Sec. 4. As used in this chapter, "research" means a study to  
 6 advance the:  
 7           (1) marketability;  
 8           (2) production;  
 9           (3) product development;  
 10          (4) quality; or  
 11          (5) functional or nutritional value;  
 12 of soybeans for soybean products, including a research activity  
 13 designed to identify and analyze barriers to domestic and foreign  
 14 sales of soybeans for soybean products.  
 15       Sec. 5. (a) Notwithstanding any other law, if:  
 16           (1) the federal soybean promotion law expires, terminates, or  
 17           is no longer in effect; or  
 18           (2) the Indiana Soybean Alliance is no longer subject to the  
 19           federal soybean promotion law;  
 20 the Indiana Soybean Alliance shall continue to collect the same fee  
 21 that was collected under the federal soybean promotion law and  
 22 the Indiana state department of agriculture shall develop an  
 23 Indiana soybean market development program.  
 24       (b) The Indiana soybean market development program  
 25 developed under subsection (a) must include the following:  
 26           (1) A refund provision for soybean producers to receive a  
 27           refund of the producer's fees paid into the Indiana soybean  
 28           market development program upon request.  
 29           (2) Provide that money collected be used for market  
 30           development, promotion, and research.

