**Section 700.APPENDIX D Marketing Program For Illinois Soybeans and Soybean Products**

Agency Note: Section 15 of the "Soybean Marketing Act" [505 ILCS 130/15] requires any soybean marketing program that is approved by Illinois soybean producers through referendum to be filed by the Department of Agriculture as provided in Section 5-65 of the "Illinois Administrative Procedure Act" [5 ILCS 100/5-65]. The filing of the adopted program is exempt from the rulemaking requirements of Sections 5-35 and 5-40 of the "Illinois Administrative Procedure Act" and the program is exempt from review under Sections 5-100, 5-105, 5-110, 5-120, 5-125 and 5-130 of the "Illinois Administrative Procedure Act". In 1974, a Marketing Program For Illinois Soybeans and Soybean Products was approved through referendum. In 1988, an amendment to Article VIII of the Marketing Program was added. On March 1, 1989, Article VIII of the Marketing Program was amended.

ARTICLE I

PURPOSE:

This program is developed to enable Illinois soybean producers to coordinate more effectively the maintenance and development of markets for soybeans and soybean products; to provide for the needed production and utilization research; to develop new uses for soybeans and soybean products; and to provide for more efficient and economical production.

To accomplish this objective, it is essential to provide procedures for the development of new and larger markets for soybeans; to provide procedures to engage in research directed toward more efficient utilization and production of soybeans; to provide procedures to support world-wide market development programs and cooperate with other states, organizations, agencies, and persons in market development, market information, and research programs; and to provide procedures to elect an initial producer board and its successors to operate this program.

ARTICLE II

AUTHORITY:

This marketing program for Illinois soybeans, its procedures, and regulations, is established pursuant to the Soybean Marketing Act, 505 ILCS 130/1 et. seq.

ARTICLE III

PROGRAM EXTENT:

All producers of soybeans in Illinois are qualified to participate and all soybeans sold to a first purchaser are subject to the program.

ARTICLE IV

DEFINITIONS:

Terms used in this marketing program shall be defined in the Act and as follows unless context clearly requires otherwise:

(a) "Act" means the Soybean Marketing Act, 505 ILCS 130/1 et. seq.

(b) "Soybean" means and includes all kinds of varieties of soybeans grown in this State and marketed and sold as soybeans by the producer.

(c) "Person" means any natural person, partnership, corporation, society, association, representative or other fiduciary.

(d) "Producer" means any person engaged in this State in the business of producing and marketing soybeans and who is affected by this program by virtue of having the first right of ownership in any soybeans for which payment is received at the first point of sale.

(e) "First Purchaser" means any person who resells soybeans purchased from a producer or offers for sale any product produced from such soybeans for any purpose.

(f) "Market Development" means to engage in research and educational programs directed toward better and more efficient utilization of soybeans; to provide methods and means for the maintenance of present markets; for the development of new and larger domestic and foreign markets.

(g) "Marketing Program" means any program established under this Act which prescribes rules, regulations and procedures for the development of markets for soybeans and soybean products.

(h) "Program Operating Board" means the board established by any marketing program to administer such programs. Also referred to as "Board".

(i) "Director" means the Director of the Department of Agriculture of the State of Illinois.

(j) "Department" means the Department of Agriculture of the State of Illinois.

(k) "Bushel" means 60 pounds of soybeans by weight.

(l) "District" means the geographical divisions of the State established pursuant to this marketing program.

(m) "Sale" or "Sold" means a transaction wherein the property in or to soybeans is transferred from the producer to a first purchaser for consideration.

(n) "Eligible Voter" means one who is defined both as a person and as a producer in this program.

(o) "Affected Producers" means any person defined as a producer in this program who is subject to the assessment.

ARTICLE V

PROGRAM OPERATING BOARD:

Section 1. Establishment and Membership.

A program operating board is hereby established with powers and duties as authorized pursuant to the Act and this program. The Program Operating Board shall consist of one member elected from each of the representative districts as established by Section 2 of this Article and 6 at-large members elected without respect to representative district. One individual may not serve as a representative of a district and as an at-large member at the same time.

Section 2. Representative Districts.

For the purpose of nomination and election of members to the Board, the territory of the State of Illinois shall be divided into 18 representative districts as follows:

District 1: Jo Daviess, Stephenson, Winnebago, Boone, Carroll, Ogle, DeKalb, and Lee Counties.

District 2: McHenry, Lake, Kane, Cook, DuPage, Will, and Kankakee Counties.

District 3: Whiteside, Rock Island, Henry, Mercer, Henderson, Stark, and Warren Counties.

District 4: Bureau, LaSalle, Grundy, and Kendall Counties.

District 5: Knox, Peoria, Marshall, Putnam, Fulton and Tazewell Counties.

District 6: Woodford, Livingston and McLean Counties.

District 7: Ford, Iroquois, and Vermilion Counties.

District 8: Hancock, McDonough, Adams, Brown, and Schuyler Counties.

District 9: Mason, Logan, Cass, Menard, Morgan, and Sangamon Counties.

District 10: DeWitt, Macon, Christian, Moultrie, and Shelby Counties.

District 11: Piatt, Champaign, Douglas, Edgar, and Coles Counties.

District 12: Pike, Scott, Calhoun, Greene, Macoupin, and Jersey Counties.

District 13: Montgomery, Bond, Fayette, and Marion Counties.

District 14: Cumberland, Clark, Effingham, Jasper, and Crawford Counties.

District 15: Madison, Monroe, St. Clair, and Clinton Counties.

District 16: Clay, Richland, Lawrence, Wayne, Edwards, White, and Wabash Counties.

District 17: Randolph, Washington, Jefferson, Perry, and Jackson Counties.

District 18: Franklin, Hamilton, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac Counties.

Section 3. Board Membership Qualifications.

Board members shall be residents of the State of Illinois, of legal voting age, and be subject to the program. Board members shall be affected producers of soybeans in this State subject to the assessment in the district in and for which they are nominated and elected. The qualification of members as set forth herein must continue during their term of office or their office shall be declared vacant.

Section 4. Term of Office.

The term of office of a board member shall be three years or until his successor is elected and qualified, except as provided in Section 5 of this Article.

A term of office shall terminate on July 31st of the year in which the board member's office expires.

No producer shall serve as board member for more than two consecutive three-year terms of office.

Section 5. Program Operating Board.

When the term of office expires, an election shall be held as provided in this program and the Act to fill the vacancy. A special election shall be held for the initial term of at-large board members on January 31, 2006, with those elected at-large board members serving until July 31, 2006. Thereafter, the term of office for the at-large board members taking office on August 1, 2006, shall be as follows: two terms shall expire July 31, 2007; two terms shall expire July 31, 2008; and two terms shall expire July 31, 2009, such terms to be determined by lot drawn at the annual meeting of the Board in July 2006. When the term of office of an at-large board member expires, a successor at-large member shall be nominated without respect to residence district by a majority of the elected Board sitting in quorum as provided in Section 6.C of this Article.

Section 6. Nominations.

A. Procedure for Nominating Candidates to the Board for Representative Districts:

Each district having a vacancy on the board by an expiring term shall hold an election to fill such vacancy. The election shall be held during July of the year in which the vacancy exists. Any affected producer may become a candidate from his district and have his name placed on the ballot for which a vacancy exists if he files a petition with the Director containing the signatures of 250 or 5 per cent, whichever less, of affected producers from his district. Petitions to become a candidate for board member must be filed with the Director by May 15th of the year in which the election is to be held in that district. Notification to all affected producers in the district where a vacancy exists shall be published in the official state newspaper and made available to newspapers of general circulation in that district and to all other news media in that district. Notification shall be given no earlier than April 1st nor later than April 15th in the district where vacancy on the board will occur. Petition for becoming a candidate shall be available at each principal county office of the Cooperative Extension Service in the district where a vacancy exists and upon request from the Director. Position of the candidates' names on the ballot shall be determined by lot by a drawing by the Director. Candidates shall be notified of the time and place where such drawing shall occur. Voting shall be held at geographically located polling places throughout the district.

B. Nomination and Election Procedures for Interim At-Large Directors:

The initial six at-large directors will be nominated by a majority of the Board sitting in a quorum and thereafter elected by a majority of producers in attendance at the meeting of the Board to be held on January 31, 2006. Notification to all affected producers shall be published in the official state newspaper and made available to newspapers of general circulation and all other news media. Notification shall be given no earlier than December 1 and no later than December 15. Any interested producer must notify the Board of their desire to become a candidate for an at-large position by sending the Board a letter of interest by certified mail (return receipt requested) to the Board's office. The letter must be deposited in the U.S. mail with postage prepaid and postmarked by no later than January 6, 2006.

The Executive Committee will serve as the Nominating Committee and will review the applications for eligibility, interview the candidates (if necessary), and make its recommendation of not more than three candidates per open position to the Board. The Board must nominate not more than three candidates for each at-large vacancy from the pool of candidates by a majority vote of the Board sitting in quorum.

The names of all candidates will be placed on the ballot and voting will take place until one individual receives a majority of the votes cast. If any individual does not receive a majority of the votes cast, the person receiving the lowest number of votes will be dropped from the ballot. After an individual has been duly elected to an at-large position, voting will begin again with the names of all the remaining candidates placed back on the ballot. Voting will be held as previously described for each at-large position.

The position of the nominees' names on the ballot shall be determined by a drawing by the Board sitting in quorum at the January 31, 2006, Board Meeting just prior to the election.

The six individuals elected on January 31, 2006, will serve an interim term of January 31, 2006, through July 31, 2006. If any of these individuals desire to continue to serve as an at-large Director beyond July 31, 2006, they must re-apply for such position. They must submit a letter of interest by certified mail (return receipt requested) to the Board's office. The letter must be deposited in the U.S. mail with postage prepaid and postmarked by no later than March 15, 2006.

C. Nomination and Election Procedures for At-Large Directors:

Any interested producer not a candidate under A above in the same year may become a candidate for nomination as an at-large director. The six at-large directors will be nominated by a majority of the Board sitting in a quorum and thereafter elected by a majority of producers in attendance at the annual meeting of the Board to be held on July 31. Notification to all affected producers shall be published in the official state newspaper and made available to newspapers of general circulation and all other news media. Notification shall be given no earlier than February 1 and no later than February 15. Any interested producer must notify the Board of their desire to become a candidate for an at-large position by sending the Board a letter of interest by certified mail (return receipt requested) to the Board's office. The letter must be deposited in the U.S. mail with postage prepaid and postmarked by no later than March 15th of the year in which the election is to be held for an expiring at-large director term.

The Executive Committee will serve as the Nominating Committee and will review the applications for eligibility, interview the candidates (if necessary), and make its recommendation of not more than three candidates per open position to the Board. The Board must nominate not more than three candidates for each at-large vacancy from the pool of candidates by a majority vote of the Board sitting in quorum.

The names of all candidates will be placed on the ballot and voting will take place until one individual receives a majority of the votes cast. If any individual does not receive a majority of the votes cast, the person receiving the lowest number of votes will be dropped from the ballot. After an individual has been duly elected to an at-large position, voting will begin again with the names of all the remaining candidates placed back on the ballot. Voting will be held as previously described for each vacant at-large position.

The position of the nominees' names on the ballot shall be determined by a drawing by the Board sitting in quorum at the March Board Meeting. All nominees will be notified of the time and place of the drawing.

Section 7.

A. Election of Initial At Large Members of Board.

The election of the initial At-Large Members of Board shall be conducted by the Program Operating Board. Nominations shall be as set forth in Section 6(B) of this Article. The elected board member shall take office immediately after the election results are available. Each eligible voter shall be entitled to one vote for each at-large position on the program operating board.

The candidate from each at-large position receiving the greatest number of votes in the election shall be that position's at-large representative on the board. In case of a tie, the winner will be determined by drawing. The elected board member will take office immediately upon approval of the program.

B. Election of Board in Subsequent Years.

The election of board members in districts where a vacancy occurs due to an expiring term shall be conducted by the program operating board. Nominations shall be as set forth in Section 6(A) and 6(C) of the program. The elected board member shall take office on August 1st of the year in which such board member is elected, except as outlined in Section 5.

Section 8. Powers and Duties of the Board.

The board shall have the following powers and duties:

(a) to administer, enforce, direct, and control provisions of this program as its administrative board pursuant to the authority contained in the Act;

(b) to annually establish priorities and to prepare and approve a budget consistent with estimated resources and scope of the marketing program;

(c) to formulate and execute assessment procedures, rates, methods of collection;

(d) to procure and evaluate data and information necessary for the proper administration and operation of marketing program;

(e) to employ personnel and contract for services which are necessary for the proper operation of the marketing program;

(f) to authorize the expenditure of funds and the contracting of expenditure to conduct proper activities of the program;

(g) to provide for an independent audit to be made and be available to all program participants;

(h) to publish annually, upon completion of and at the same time of the audit, an Activities and Financial Report and make available to all affected producers;

(i) to elect a chairman, vice chairman, secretary and treasurer and other such officers as it deems necessary;

(j) to take steps to insure that adequate bonds are maintained and to insure adequate protection of funds;

(k) to confer and cooperate with legally constituted authorities of other states and the United States;

(l) to accept donations, gifts, and other properties to be used for program purposes;

(m) to receive and investigate or cause to be investigated complaints and violations of this program and the Act and to take such action as is necessary within its authority;

(n) to establish accounts in adequately protected financial institution to receive, hold and disperse program monies;

(o) to approve and recommend desirable amendments to the program;

(p) to establish procedure to refund to a producer any assessment paid by such a producer if he requests such a refund; and

(q) to perform such other duties which may be necessary to proper operation of the board.

Section 9. Limitation of Liability of Board Members and Employees.

Obligations incurred by the board and any other liabilities or claims against the board shall be enforced only against the assets of the board in the same manner as if it were a corporation and no liability for the debts or actions of the board shall exist against either the State of Illinois or any subdivision or instrumentality thereof or against any board established pursuant to the Act or the assets thereof or against any member, officer, employee, or agent of the board in his individual capacity. The members of the board, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts either of commission or omission, as principal, agent, person, or employee except for their own individual acts which result in a violation of any law. No such person or employee shall be held responsible individually for the act or omission of any member of the board. The liability of the members of the board shall be several and not joint and no members shall be liable for the default of any other member.

Section 10. Board Vacancies.

Procedure for Filling:

Vacancies occurring on the board during an unexpired term of office shall be filled by the board with an appointee who is a qualified producer from the district affected by the vacancy, or in the case of an at-large director without respect to representative district, as determined by a majority vote of the board sitting in quorum. The appointee shall serve as the district or at-large representative on the board for the unexpired term.

Section 11. Board Compensation.

"All voting members of the program operating board are entitled to actual and necessary travel and incidental expenses while attending meetings of the board or while engaged in the performance of official responsibilities as determined by the board."1

1Quote from Section 12 of "An Act in relation to Soybean Marketing Program", being Public Act No. 78-739, approved September 11, 1973.

ARTICLE VI

REFERENDUMS AND ELECTIONS:

Section 1.

The Director shall hold referendums as they pertain to this program as provided for in such Sections as 8, 10 and 13 of the Act.

All referendums shall be by a ballot cast at the local Cooperative Extension Service office serving the area in which such eligible voter resides, except as otherwise provided in this Article.

The initial program adoption referendum shall provide for the question of adoption of the program with a place to vote "yes" or "no" and shall also provide for the election of the initial members of the program operating board. The referendum ballot used in each district will contain only the name(s) of the candidate(s) for its district with space provided for a write-in candidate.

Write-in votes shall be counted only for persons who have filed notarized declarations of intent to be write-in candidates with the Director not later than 5:00 p.m. on the Tuesday immediately preceding the election.

Forms for the declaration of intent to be a write-in candidate shall be supplied by the Director. Such declaration shall specify the office for which the person seeks election as a write-in candidate.

A program or an amendment to a program is approved when a majority of the statewide total of those voting in the referendum vote in favor of such program or amendment to a program.

Section 2. Qualification to Vote.

Any person who is defined as a producer in this program shall be entitled to one vote. Such eligible voter shall be required to sign an affidavit for ballot declaring that such person is eligible to participate in the program. Such eligible voter shall be entitled to vote only at the principal office of the Cooperative Extension Service which serves the county in which such eligible voter resides.

Eligible voters who reside outside the State of Illinois or eligible voters within the State who cannot be physically present at the polls on the day of any referendum held under this Article may request an absentee ballot.

Section 3. Absentee Ballot.

The Director shall provide to any eligible voter an absentee ballot upon request beginning thirty (30) days prior to the referendum for approval of the initial program or any subsequent election of directors where a vacancy exists. Any eligible voter requesting an absentee ballot shall be required to file with the Director an affidavit swearing that such eligible voter is eligible to vote on the initial referendum or in the election of board members. Such affidavit shall be available upon request from the Director. All absentee ballots and affidavits shall be returned to the Director at least two (2) working days prior to any referendum or election.

Section 4. Election Judges.

The Director shall appoint a three-man committee to serve as election judges and to count ballots and determine the results of the referendum at the principal county office of the Cooperative Extension Service.

Section 5. Teller Committee.

The Director shall appoint a teller committee to count absentee ballots, canvass and certify results of referendums and elections of district candidates.

ARTICLE VII

PROGRAM:

Section 1. Market Development, Promotion, and Public Relation Programs.

The board, subject to the provisions of this program and the Act, is authorized to contract with or make grants to any qualified organizations, agencies, or persons for any market development and promotion activities, education and public relations programs or market information services which will result in the opening of new markets for soybeans and soybean products, or which will result in the expansion of existing markets. These activities may include, but not be necessarily limited to the following:

(1) Preparation and dissemination of marketing information to include supply information, demand information, quality characteristics, and other facts concerning soybeans and soybean products.

(2) Provide information to foreign feed manufacturers and soy oil refiners for the purpose of expanding their use of soybeans and soybean products.

(3) Work with U.S. agricultural attaches in removing restrictive foreign regulations which limit markets for soybeans and soybean products.

(4) Participate in trade fairs, exhibitions, food shows, and other such activities for the purpose of developing markets.

Section 2. Research.

The board, subject to the provisions of this program and the Act, is authorized to contract with or make grants to any qualified organizations, agencies, or persons for any needed production, utilization, distribution or handling research or survey studies related to soybeans and their products which will result in improved efficiency and aid soybean producers in maintaining present and any new and larger markets.

Such research and survey studies may include, but shall not be necessarily limited to the following:

(1) Production research on such things as cultural practices, pest and insect control, weed and disease control, soil and fertility management, genetic research, plant pathology, micro biology, plant physiology, collection of new germ plasma, etc.

(2) Improving techniques and methods for planting and harvesting.

(3) Improving storage, handling, and drying techniques.

(4) Investigating transportation problems involving movement of soybeans to market.

(5) Utilization research such as developing new uses of soybeans and soybean products for human food and nutrition, determine chemical levels to protect soybean meal from rumen degradation in livestock feed, and research on industrial oil products, etc.

Section 3. Educational Program.

The board is authorized to contract with or make grants to any qualified organizations, agencies, or individuals for any educational materials and educational programs pertaining to soybeans and their products.

The educational program established pursuant to authority shall emphasize the results of research, market development, and other programs sponsored, supported, or otherwise implemented by or for the board.

ARTICLE VIII

ASSESSMENTS:

Section 1. Assessment Levied.

A. All assessments made and levied pursuant to the provisions of the Act and the program shall be paid by the respective affected producers who shall be liable therefore as provided by Sections 16, 16.1 and 20 of the Act. Assessments shall be made and levied on all soybeans grown outside Illinois but sold to a first purchaser in Illinois.

B. Such assessments shall be ½ of 1% of the net market price of soybeans produced and sold by the producer.

C. Such assessment shall be collected from the affected producers by the first purchaser of soybeans and such first purchaser shall deduct the full amount of assessment from total monies due to the producer and shall account for, report on, and remit to the board all monies collected. Such monies collected shall be remitted quarterly and shall be made by the 15th of the month following the end of each quarter. Such quarters shall end March 31, June 30, September 30, and December 31 of the year in which assessment is due. If remittance of assessment by first purchaser is made by the 15th of the month following the end of the quarter, such first purchaser making remittance shall be entitled to retain two per cent (2 per cent) of such remittance due.

D. Any producer who shall sell, ship or otherwise dispose of soybeans to a first purchaser or other person outside the jurisdiction of this marketing program shall forthwith remit to the board the full amount of the assessment due.

E. The board shall establish regulations and procedures to insure the collection of such assessments as shall be due and payable under this marketing program.

F. The board shall give reasonable notice to all producers, processors, and handlers of all changes in regulations and procedures and any amendments thereto for the collection of the assessment.

ARTICLE IX

RIGHT OF REFUND:

Section 1.

A. Any affected producer may request that each assessment paid by him be refunded.

B. A refund shall be payable upon request. Such request shall be made to the board not more than sixty (60) days after the deduction has been made or not more than sixty (60) days after the remittance has been made by the first purchaser.

C. The board shall establish regulations and procedures to insure the refund of such assessment as are requested.

ARTICLE X

FUNDS:

Section 1.

The board shall deposit all monies collected pursuant to this program in an account as established in Article V of this program. Expenses and disbursements incurred and made pursuant to the Act and this program shall be made by voucher, draft or check bearing the signature of the treasurer and one other person designated by majority vote of the board, which person shall be either a member or an employee of the board.

Section 2.

Monies collected by the board pursuant to the Act and this program as assessments shall be used by the board only for the purpose of paying for the costs or expenses arising in connection with carrying out the purpose and provisions of the Act and this program.

ARTICLE XI

INFORMATION REPORTS:

All persons subject to this program and the Act shall make and render such reports and furnish such information to the Director and the board as may be necessary or required to effectuate the purposes thereof. Information obtained by any person pursuant to this Article shall be confidential and shall not be disclosed to any other person, save a person with the right to obtain the same or any attorney employed by the board to give legal advice thereon or by court order.

ARTICLE XII

RULES AND REGULATIONS:

Section 1.

A public hearing must be held on all rules and regulations before they are adopted by the board or the Department. Public notice of such hearings shall be in accordance with The Open Meetings Act, 5 ILCS 120/1 et.seq.

Section 2.

All rules and regulations adopted by the board pursuant to the program shall be presented to the Director for approval. Rules and regulations adopted by the board and approved by the Director and any rule and regulation promulgated by the Director shall be filed in accordance with the Illinois Administrative Procedure Act, 5 ILCS 100/1 et.seq.

Section 3.

All rules and regulations promulgated pursuant to the Act shall be made available to those persons affected by this program and the Act.

ARTICLE XIII

APPEALS:

Section 1.

Any person subject to this program may appeal to the board to review any administrative decision. Any such appeal must be filed in writing setting forth the facts upon which it is based.

Section 2.

Pending the disposition of any appeal set forth in Section 1 of this Article, the party shall abide by the decision unless the board shall rule otherwise. The board shall, if the facts stated show reasonable grounds, revise any order or decision upon which an appeal is taken.

ARTICLE XIV

A DEROGATION:

Nothing contained herein is or shall be construed to be in derogation or in modification of the rights of the Director or of the State to exercise any powers granted by the Act or otherwise, and in accordance with such powers to act in the premises whenever such action is deemed advisable.

ARTICLE XV

COOPERATION WITH OTHER AGENCIES:

The board, with the assistance of the Director and subject to the provisions of the Act, is authorized to cooperate with agencies of the United States government, the State of Illinois, and other states as deemed by the board and the Director to be desirable and useful in effectuating the purposes of this program and Act.

(1) Coordination and cooperation in promotion, advertising, educational programs, informational programs, disease control and research, marketing and transportation research, and any of the several areas of authority authorized by the program and the Act.

(2) Coordination of purposes with other boards, commissions, or any other marketing group in the State or other states, areas, or foreign countries so long as such cooperation is in the best interest of the soybean producers of Illinois.

ARTICLE XVI

EFFECTIVE TIME:

This marketing program and any amendments thereto shall become effective immediately upon their being approved by referendum and shall continue in effect for five (5) years and shall automatically be extended from year to year unless a referendum for continued approval is requested by written petition of no less than 2 per cent of soybean producers affected by the program as published in the Illinois Agricultural Statistics Annual Farm Census being published by the Illinois Cooperative Reporting Service. Such referendum is to be held in accordance with Section 10 of the Act.

ARTICLE XVII

SEVERABILITY:

If any provision of the marketing program or the Act shall be declared invalid, or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this marketing program or the Act or the applicability thereof to any person, circumstance or thing shall not be affected.

ARTICLE XVIII

Section 1.

"All assessments on soybeans marketed are due and payable to the board. Any due and payable assessment required under the provisions of any program created under this Act constitutes a personal debt of every person so assessed or who otherwise owes such assessment. Such assessment is due and payable to the board when payment is stipulated in the program and called for by the board. In the event any person fails to remit the full amount of such due assessment or such other sum within 30 days after the due date, the person owing such assessment shall be given an opportunity to present his case as provided for in Section 22 of the Act. When established that the assessment is correct, the board may add to the unpaid assessment or sum a penalty amount not exceeding 10 per cent of the amount due to defray the cost of enforcing the collection of the assessment or sum due. In the event of failure of a person to remit any properly due assessment or sum, the board may bring civil action against such person in the Circuit Court of any county for collection thereof, together with the above additional specified 10 per cent penalty assessment and court costs. Such action shall be tried and judgment rendered as in any other cause of action for debts due and payable."2

Section 2.

"No person shall knowingly fail or refuse to comply with any requirement of this Act where obligated to comply by a duly approved marketing program. The board may institute any action which is necessary to enforce compliance with this Act, any rule or regulation thereunder or any program adopted pursuant to this Act. In addition to any other remedy provided by law the board may petition for injunctive relief without being required to allege or prove the absence of any other adequate remedy at law. Such action shall be brought in the Circuit Court of any county.

Before the board may institute any proceedings under this Act, the alleged violator shall first be given an opportunity to present his views to the board as to why such proceedings should not be instituted."3

2Quote from Section 20 of "An Act in relation to Soybean Marketing Program", being Public Act No. 78-739, approved September 11, 1973.

3Quote from Section 22 of "An Act in relation to Soybean Marketing Program", being Public Act No. 78-739, approved September 11, 1973.

(Source: Amended at 33 Ill. Reg. 6044, effective April 7, 2009)