

AN ACT

ENTITLED, An Act to revise the computation of the promotional fee on wheat.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 38-10-2 be amended to read as follows:

38-10-2. Terms used in this chapter mean:

- (1) "Commercial channels," the sale of wheat for any use, when sold to any commercial buyer, dealer, processor, cooperative, or to any person, public or private, who resells any wheat or product produced from wheat;
- (2) "Commission" or "wheat commission," the Wheat Utilization, Research and Market Development Commission;
- (3) "First purchaser," any person, public or private corporation, or partnership buying, accepting for shipment (either in state or out of state), or otherwise acquiring the property in or to wheat from a grower. The term includes a mortgagee, pledgee, lienor, or other person, public or private, having a claim against the grower, if the actual or constructive possession of the wheat is taken as part payment or in satisfaction of the mortgage, pledge, lien, or claim;
- (4) "Grower," anyone personally engaged in growing wheat, including both the owner and tenant jointly, a person, partnership, limited liability company, association, corporation, cooperative, trust, sharecropper, and any other business units, devices, and arrangements;
- (5) "Participating grower," a grower who has not requested a refund from the payment of the promotional fee for the past three years; and
- (6) "Net market price," the sale price received by a grower for wheat after adjustment for any premium or discount based on grading or quality factors.

Section 2. That § 38-10-22 be amended to read as follows:

38-10-22. There is hereby assessed a promotional fee of four-tenths of one percent of the value of the net market price per bushel upon all wheat sold through commercial channels in the State of South Dakota. The fee shall be assessed and imposed on the grower at the time of sale or delivery, and shall be collected and remitted by the first purchaser in the manner described by the commission pursuant to administrative rules promulgated pursuant to chapter 1-26. No wheat is subject to the fee more than once.

Section 3. That § 38-10-25 be amended to read as follows:

38-10-25. The purchaser, at the time of settlement of the purchase, shall make and deliver a proof of purchase to the grower. This proof of purchase document may be a settlement sheet, a check stub, or other legible document showing:

- (1) The name of the grower and seller;
- (2) The name and address of the purchaser;
- (3) The number of bushels of wheat sold;
- (4) The date of the purchase; and
- (5) The net market price.

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I certify that the attached Act
originated in the
HOUSE as Bill No. 1081

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1081
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,
20__ at _____ M.

By _____
for the Governor
=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

=====
STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State