

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

363V0249

HOUSE BILL NO. 1081

Introduced by: Representatives Qualm, Cammack, Cronin, Duvall, Hawley, Hoffman, Kirschman, Mickelson, Munsterman, Olson (Betty), Rounds, Schoenfish, Schrempp, and Stalzer and Senators Tidemann, Bradford, Krebs, Maher, Omdahl, Rave, Tieszen, Van Gerpen, and White

1 FOR AN ACT ENTITLED, An Act to revise the computation of the promotional fee on wheat.

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

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

4 38-10-2. Terms used in this chapter mean:

5 (1) "Commercial channels," the sale of wheat for any use, when sold to any commercial
6 buyer, dealer, processor, cooperative, or to any person, public or private, who resells
7 any wheat or product produced from wheat;

8 (2) "Commission" or "wheat commission," the Wheat Utilization, Research and Market
9 Development Commission;

10 (3) "First purchaser," any person, public or private corporation, or partnership buying,
11 accepting for shipment (either in state or out of state), or otherwise acquiring the
12 property in or to wheat from a grower, ~~and shall include.~~ The term includes a
13 mortgagee, pledgee, lienor, or other person, public or private, having a claim against
14 the grower, ~~where~~ if the actual or constructive possession of ~~such~~ the wheat is taken



1 as part payment or in satisfaction of ~~such~~ the mortgage, pledge, lien, or claim;

2 (4) "Grower," anyone personally engaged in growing wheat, ~~and includes~~ including both
3 the owner and tenant jointly, a person, partnership, limited liability company,
4 association, corporation, cooperative, trust, sharecropper, and any ~~and all~~ other
5 business units, devices, and arrangements;

6 (5) "Participating grower," a grower who has not requested a refund from the payment
7 of the promotional fee for the past three years; and

8 (6) "Net market price," the sale price received by a grower for wheat after adjustment for
9 any premium or discount based on grading or quality factors.

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

11 38-10-22. There is hereby assessed a promotional fee of ~~one and one-half cents~~ four-tenths
12 of one percent of the value of the net market price per bushel upon all wheat sold through
13 commercial channels in the State of South Dakota. The fee ~~is~~ shall be assessed and imposed on
14 the grower at the time of sale or delivery, and shall be collected and remitted by the first
15 purchaser in the manner described by the commission pursuant to administrative rules
16 promulgated pursuant to chapter 1-26. No wheat ~~may be~~ is subject to the fee more than once.

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

18 38-10-25. The purchaser, at the time of settlement ~~thereof~~ of the purchase, shall make and
19 deliver a proof of purchase to the grower. This proof of purchase document may be a settlement
20 sheet, a check stub, or other legible document showing:

- 21 (1) The name of the grower and seller;
- 22 (2) The name and address of the purchaser;
- 23 (3) The number of bushels of wheat sold; ~~and~~
- 24 (4) The date of the purchase; and

1 (5) The net market price.