



2025 South Dakota Legislature

House Bill 1165

HOUSE ENGROSSED

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: **Representative Gosch**

1 **An Act to provide a means by which an agricultural producer may request an**
 2 **automatic refund of an assessment on crops.**

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

4 **Section 1. That § 38-10-34 be AMENDED:**

5 **38-10-34.** Any Except as otherwise provided in section 2 of this Act, any person,
 6 firm, or corporation subject to the fee provided in this chapter that objects to the collection
 7 of the fee may, within sixty days following the collection, apply to the wheat commission
 8 for a refund of the fee. Upon the return of the refund application, accompanied by a true,
 9 legible record of the invoices delivered by the purchaser to the grower, the commission
 10 shall, within thirty days, refund the net amount of the fee collected to the grower. If no
 11 request for refund has been made within sixty days after the collection of the fee, the
 12 grower shall be conclusively presumed to have agreed to the deduction.

13 The commission shall make the refund application available online and provide for
 14 the electronic submission of the application and all required documentation.

15 **Section 2. That a NEW SECTION be added to chapter 38-10:**

16 The wheat commission shall promulgate rules, in accordance with chapter 1-26, to
 17 develop and implement an alternative refund process by which a grower may, before
 18 December thirty-first, file with the commission a single electronic request for an automatic
 19 refund of all assessments imposed upon and paid by the grower in accordance with this
 20 chapter during the ensuing calendar year. The rules must provide for the electronic
 21 submission of all documentation necessary to obtain the refund.

22 **Section 3. That § 38-27-16 be AMENDED:**

1 **38-27-16.** ~~Any~~ Except as otherwise provided in section 4 of this Act, any grower
2 subject to the assessment provided in this chapter, within sixty days following the
3 assessment, may make application to the oilseeds council for a refund of the assessment.
4 Upon return of the refund application accompanied by a record of the assessment by the
5 first purchaser, the grower shall, within sixty days, be refunded the net amount of the
6 assessment collected. However, a grower, for any reason, having paid the assessment
7 more than once on the same sunflowers, safflowers, canola, or flax, upon furnishing proof
8 of this to the council, is entitled to a refund of the overpayment.

9 The council shall make the refund application available online and provide for the
10 electronic submission of the application and all required documentation.

11 **Section 4. That a NEW SECTION be added to chapter 38-27:**

12 The council shall promulgate rules, in accordance with chapter 1-26, to develop
13 and implement an alternative refund process by which a grower may, before December
14 thirty-first, file with the council a single electronic request for an automatic refund of all
15 assessments imposed upon and paid by the grower in accordance with this chapter during
16 the ensuing calendar year. The rules must provide for the electronic submission of all
17 documentation necessary to obtain the refund.

18 **Section 5. That § 38-32-20 be AMENDED:**

19 **38-32-20.** ~~Any~~ Except as otherwise provided in section 6 of this Act, any grower
20 subject to the assessment provided in this chapter may, within sixty days following such
21 assessment, make application to the council for a refund of the assessment. Upon the
22 return of the refund application, accompanied by a record of the assessment by the first
23 purchaser, the grower shall, within sixty days, be refunded the net amount of the
24 assessment collected. However, a grower who has paid the assessment more than once
25 on the same corn is entitled to a refund of the overpayment.

26 The council shall make the refund application available online and provide for the
27 electronic submission of the application and all required documentation.

28 **Section 6. That a NEW SECTION be added to chapter 38-32:**

29 The council shall promulgate rules, in accordance with chapter 1-26, to develop
30 and implement an alternative refund process by which a grower may, before December
31 thirty-first, file with the council a single electronic request for an automatic refund of all

1 assessments imposed upon and paid by the grower in accordance with this chapter during
2 the ensuing calendar year. The rules must provide for the electronic submission of all
3 documentation necessary to obtain the refund.

4 **Section 7. That § 38-34-18 be AMENDED:**

5 **38-34-18.** ~~Any~~Except as otherwise provided in section 8 of this Act, any grower
6 subject to the assessment provided in this chapter, within sixty days following the
7 assessment, may apply to the council for a refund of the assessment. Upon return of the
8 refund application accompanied by a record of the assessment by the first purchaser, the
9 grower shall, within sixty days, be refunded the net amount of the assessment collected.
10 Additionally, a grower, who for any reason, pays the assessment more than once on the
11 same pulse crops, upon furnishing proof of this to the council, is entitled to a refund of
12 the overpayment.

13 The council shall make the refund application available online and provide for the
14 electronic submission of the application and all required documentation.

15 **Section 8. That a NEW SECTION be added to chapter 38-34:**

16 The council shall promulgate rules, in accordance with chapter 1-26, to develop
17 and implement an alternative refund process by which a grower may, before December
18 thirty-first, file with the council a single electronic request for an automatic refund of all
19 assessments imposed upon and paid by the grower in accordance with this chapter during
20 the ensuing calendar year. The rules must provide for the electronic submission of all
21 documentation necessary to obtain the refund.