

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0339

HOUSE BILL NO. 1050

Introduced by: The Committee on State Affairs at the request of the Public Utilities
Commission

1 FOR AN ACT ENTITLED, An Act to revise the definition of a grain dealer.

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

3 Section 1. That § 49-45-1.1 be amended to read as follows:

4 49-45-1.1. Terms used in this chapter mean:

5 (1) "Commission," the Public Utilities Commission ~~of this state~~;

6 (2) "Grain," grain, grain sorghums, beans, and oil seeds. However, the term does not
7 include grain that has been cleaned, processed and specifically identified for an
8 intended use of planting for reproduction and for which a grain warehouse receipt has
9 not been issued;

10 (3) "Grain dealer," any person who buys grain for the purpose of resale. However,
11 nothing in this chapter applies to a ~~South Dakota resident or anyone whose residence~~
12 ~~is within twenty-five miles of the South Dakota border purchasing or engaging in the~~
13 ~~purchase of the isolated or occasional resale of grain by a person who does not hold~~
14 ~~himself or herself out as engaging in the business of reselling grain or to a person who~~
15 ~~purchases~~ grain for the person's own use or consumption; but the. The word "use"



1 or the word "consumption," as used in this subdivision, does not mean the sale of the
2 grain at retail or wholesale;

3 (4) "Person," any natural person, firm, corporation, company, limited liability company,
4 partnership, association, joint stock company or the lessee, trustee or receiver
5 appointed by any court for any one of the foregoing;

6 (5) "Voluntary credit sale," a sale of grain or seeds pursuant to which the sale price is to
7 be paid more than thirty days after the delivery or release of the grain for sale,
8 including those contracts commonly referred to as deferred-payment contracts,
9 deferred-pricing contracts and price-later contracts.