House Bill 1135

AMENDMENT 1135A FOR THE INTRODUCED BILL

1	An Act to expand	definitions	pertaining	to the	purchasing	of grain.
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- 2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
- **Section 1. That § 49-45-1.1 be AMENDED:**

4	49-45-1.1. Terms used in this chapter mean:
5	(1) "Business of a grain buyer," contracting to purchase grain or purchasing grain,
6	regardless of:
7	(a) Where the grain is to be delivered; or
8	(b) Where title to the grain transfers;
9	(2) "Commission," the Public Utilities Commission;
10	(3) "Contract," except as referenced in § 49-45-21, a written or oral agreement to
11	purchase grain, regardless of the:
12	(a) Timeline;
13	(b) Pricing structure; and
14	(c) Place of delivery;
15	(2)(4) "Grain," grain, grain sorghums, beans, pulse crops, and oil seeds. The term does
16	not include grain but not:
17	(a) Grain that has been cleaned, processed, and specifically identified for an
18	intended use of planting for reproduction, grain;
19	(b) Grain that is received for consignment-that and which will be processed by
20	the consignee for an intended use of planting for reproduction7; or-grain
21	(c) Grain purchased to feed livestock;
22	$\frac{(3)}{(5)}$ "Grain broker," a person who is involved in the negotiation of a grain transaction
23	in this state and:
24	(a) Is compensated for that involvement by at least one party to the
25	transaction; and
26	(b) Does not take title to the grain that is subject to the transaction:

1	(4)(6) "Grain buyer," any person who -purchases :			
2	(a) Contracts to take title to grain;			
3	(b) Purchases unprocessed grain for the purpose of reselling the unprocessed			
4	grain; or who purchases			
5	(c) Contracts to purchase at least three hundred thousand dollars' worth—o			
6	more of unprocessed grain directly from producers in a calendar license			
7	year, which begins on July first and ends on June thirtieth. Nothing in this			
8	chapter applies to the isolated resale of grain by a producer who does not			
9	hold himself or herself out as engaging in the business of reselling grain			
10	during the licensure period set forth in § 49-45-3;			
11	(5)(7)"Holds himself or herself out," the creation of an assumption or the use of any			
12	kind of title, sign, symbol, document, or term indicating or conveying the idea			
13	that the person whose name is so connected is competent, qualified, authorized,			
14	or entitled to engage in certain activities;			
15	$\frac{(6)(8)}{(8)}$ "Person," any natural person, firm, corporation, company, limited liability			
16	company, partnership, association, or joint stock company, or the lessee, trustee			
17	or receiver appointed by any court for any one of the foregoing;			
18	(7)(9) "Producer," a person engaged in the business of grain production; and			
19	(8)(10) "Unprocessed grain," grain that has not been materially altered, or otherwise			
20	combined with other grains or products to render the grain only a component part			
21	of a different product, provided the cleaning or screening of grain does not			
22	constitute processing; and			
23	(11) "Voluntary credit sale," a sale of grain or seeds pursuant to which the sale price is			
24	to be paid more than thirty days after the delivery or release of the grain for sale			
25	including those contracts commonly referred to as deferred-payment contracts			
26	deferred-pricing contracts, and price-later contracts.			
27	Section 2. That a NEW SECTION be added to chapter 49-45:			
28	Nothing in this chapter applies to the isolated resale of grain by a producer who does not			

hold himself or herself out as engaging in the business of reselling grain.

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