

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

400W0212

HOUSE BILL NO. 1039

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Public Utilities Commission

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the regulation of grain
2 buyers and grain warehouses.

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

4 Section 1. That § 49-45-11 be amended to read as follows:

5 49-45-11. ~~Each~~ Each voluntary credit sales ~~sale~~ of grain entered into by a grain buyer shall be
6 in writing and shall have a settlement date. If a grain buyer meets the requirements set forth in
7 § 57A-2-201(3)(d)(iii) when entering into a voluntary credit sale contract with a seller, the in
8 writing requirement is considered met. The commission may, by rules promulgated pursuant to
9 chapter 1-26, prescribe the form and content of ~~such~~ the writings. If a grain buyer's license is
10 terminated or not renewed, the grain buyer shall pay for grain subject to a voluntary credit sale
11 within ten days after the license expiration date.

12 Section 2. That § 49-45-28 be amended to read as follows:

13 49-45-28. If an applicant for a grain buyer license that is a ~~wholly owned~~ subsidiary of a
14 parent company submits the financial statements of the parent company, the parent company
15 furnishing the financial statements is responsible for all the financial obligations incurred by the



1 licensed entity related to the purchase and storage of grain, including any voluntary credit sale
2 contract.

3 Section 3. That § 49-43-61 be amended to read as follows:

4 49-43-61. If an applicant for a warehouse license that is a ~~wholly owned~~ subsidiary of a
5 parent company submits the financial statements of the parent company, the parent company
6 furnishing the financial statements is responsible for all the financial obligations incurred by the
7 licensed entity related to the purchase and storage of grain, including any voluntary credit sale
8 contract.