

AN ACT

ENTITLED, An Act to revise certain provisions and assessments related to the South Dakota Oilseeds Council.

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

Section 1. That § 38-27-1 be amended to read as follows:

38-27-1. Terms used in this chapter mean:

- (1) "Council," the South Dakota Oilseeds Council;
- (2) "First purchaser," any person who initially places sunflowers, safflowers, canola, or flax, whether as an owner, agent, or otherwise, into the channels of trade and commerce, or who is engaged in the processing of sunflowers, safflowers, canola, or flax into any form;
- (3) "Grower," any person who plants, raises, and harvests sunflowers, safflowers, canola, or flax from more than ten acres;
- (4) "Hundredweight," a one hundred pound unit or a combination of packages making a one hundred pound unit or any one hundred pound shipment of sunflowers, safflowers, or canola based on invoices or bills of lading records;
- (5) "Oilseeds," any variety of sunflowers, safflowers, canola (rapeseed), or flax marketed or harvested within the state;
- (6) "Participating grower," a grower who has not requested a refund from the payment of assessments on sunflower, safflower, canola, or flax production under this chapter in the last three calendar years, including the current calendar year;
- (7) "Secretary," the secretary of the South Dakota Department of Agriculture.

Section 2. That § 38-27-2 be amended to read as follows:

38-27-2. There is hereby established a South Dakota Oilseeds Council. The council is composed of seven members who shall be participating growers of oilseeds. One member shall be a

participating grower of safflowers, canola, or flax. All members shall be appointed by the secretary of agriculture. One member shall reside west of the Missouri River. The secretary of agriculture is an ex officio, nonvoting member.

Section 3. That § 38-27-4 be amended to read as follows:

38-27-4. The term of the members shall be for a period of four years, provided that the initial appointments shall be for staggered terms. If a member ceases to be a participating grower, the secretary of agriculture shall declare the member's office vacant, and the secretary shall appoint a successor for the balance of the term of the office vacated.

Section 4. That § 38-27-9 be amended to read as follows:

38-27-9. This chapter does not abrogate or limit in any way the rights, powers, duties, and functions of the Department of Agriculture or any other agency of the state, but is supplementary to and in aid and cooperation with such rights, powers, duties, and functions.

Section 5. That § 38-27-11 be amended to read as follows:

38-27-11. An assessment at the rate of four cents per hundredweight shall be levied and imposed upon all sunflowers, safflowers, and canola grown in the state or sold to a first purchaser, and an assessment at the rate of one cent per bushel shall be levied and imposed upon all flax grown in the state or sold to a first purchaser. The assessment is due upon any identifiable lot or quantity of sunflowers, safflowers, canola, or flax.

Section 6. That § 38-27-13 be amended to read as follows:

38-27-13. Any first purchaser of sunflowers, safflowers, canola, or flax shall file an application or affidavit with the oilseeds council on forms prescribed and furnished by the council. The application or affidavit shall contain the name under which the first purchaser is transacting business within the state, the first purchaser's place of business, and the location of loading places of the first purchaser.

Section 7. That § 38-27-14 be amended to read as follows:

38-27-14. Any first purchaser shall keep a permanent record of all purchases by the first purchaser of raw sunflowers, safflowers, canola, or flax, which may be examined by the oilseeds council at any reasonable time. The first purchaser shall report to the council stating the quantity of sunflowers, safflowers, canola, or flax received by the first purchaser. The report and remittance of the assessment shall be made at the times and in the manner prescribed by the council pursuant to rules promulgated pursuant to chapter 1-26.

Section 8. That § 38-27-18 be repealed.

An Act to revise certain provisions and assessments related to the South Dakota Oilseeds Council.

I certify that the attached Act  
originated in the

HOUSE as Bill No. 1120

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1120

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State