

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

277R0163

## HOUSE BILL NO. 1101

Introduced by: Representatives Vanneman, Carson, Fargen, Noem, Pitts, and Van Gerpen  
and Senators Rhoden, Hansen (Tom), and Peterson

1 FOR AN ACT ENTITLED, An Act to provide for restructuring the membership of the Corn  
2 Utilization Council.

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

4 Section 1. That § 38-32-2 be amended to read as follows:

5 38-32-2. There is hereby established a South Dakota Corn Utilization Council. The council  
6 shall be composed of ~~fifteen~~ nine directors who shall be participating growers. The directors  
7 shall be elected by participating growers. The secretary shall be an ex officio, nonvoting director  
8 of the council.

9 Section 2. That § 38-32-3 be repealed.

10 ~~—38-32-3. The initial directors shall be elected by the participating growers from each district~~  
11 ~~pursuant to procedures established by this chapter.~~

12 Section 3. That § 38-32-4 be repealed.

13 ~~—38-32-4. For the initial council, the secretary shall notify the South Dakota Corn Growers~~  
14 ~~Association immediately after the effective date of this chapter and the association shall~~  
15 ~~nominate two candidates for each position as director. Additional candidates may be nominated~~



1 by written petition of fifty growers. Procedures governing the time and place of filing petitions  
 2 shall be established and publicized by the secretary. Any candidate shall be a resident grower  
 3 of the district from which he is nominated. The secretary shall receive the nominations and shall  
 4 call an election for initial directors of the council within thirty days of the effective date of this  
 5 chapter.

6 Section 4. That § 38-32-5 be repealed.

7 ~~38-32-5. Notice of the election for the initial directors of the council shall be given by the~~  
 8 ~~secretary by publication in a newspaper of general circulation in each district at least five days~~  
 9 ~~prior to the date of the election and in any other reasonable manner as may be determined by the~~  
 10 ~~secretary. The notice shall set forth the period of time for voting, voting places, and such other~~  
 11 ~~information as the secretary may deem necessary.~~

12 Section 5. That § 38-32-9 be amended to read as follows:

13 38-32-9. One director shall be elected from each of the following districts:

| 14 District Number | Counties Comprising District   |
|--------------------|--|
| 15 I               | <del>Clay, Union, </del> <u>Clay, Yankton, Lincoln, Turner</u>                       |
| 16 II              | <del>Lincoln, Turner </del> <u>Minnehaha, Moody, Lake, Miner</u>                     |
| 17 III             | <del>McCook, Minnehaha </del> <u>Brookings, Kingsbury, Hamlin,</u>                   |
| 18                 | <u>Deuel, Codington</u>  |
| 19 IV              | <del>Lake, Moody </del> <u>Clark, Day, Grant, Roberts, Marshall</u>                  |
| 20 V               | <del>Brookings, Kingsbury </del> <u>Brown, McPherson, Campbell, Walworth,</u>        |
| 21                 | <u>Corson, Perkins, Harding</u>  |
| 22 VI              | <del>Codington, Deuel, Grant, Hamlin </del> <u>Spink, Faulk, Edmunds, Potter</u>     |
| 23 VII             | <del>Day, Marshall, Roberts </del> <u>Aurora, Sanborn, Jerauld, Buffalo, Beadle,</u> |
| 24                 | <u>Hand, Hyde</u>  |
| 25 VIII            | <del>Beadle, Clark, Spink </del> <u>Bon Homme, Hutchinson, Douglas, McCook,</u>      |
| 26                 | <u>Hanson, Davison</u>   |

- 1 IX ~~Davison, Hanson, Miner, Sanborn~~ Charles Mix, Gregory, Brule,
- 2 Lyman, Hughes, Sully, Dewey, Stanley, Jones, Tripp, Todd, Mellette,
- 3 Ziebach, Haakon, Jackson, Bennett, Shannon, Fall River, Custer,
- 4 Pennington, Meade, Lawrence, Butte
- 5 X ~~Bon Homme, Charles Mix, Douglas, Hutchinson~~
- 6 XI ~~Aurora, Brule, Buffalo, Jerauld, Lyman~~
- 7 XII ~~Faulk, Hand, Hyde~~
- 8 XIII ~~Campbell, Corson, Dewey, Hughes, Potter, Stanley, Sully, Walworth~~
- 9 XIV ~~Brown, Edmunds, McPherson~~
- 10 XV ~~Bennett, Butte, Custer, Fall River, Gregory, Haakon, Harding,~~
- 11 ~~Jackson, Jones, Lawrence, Meade, Mellette, Pennington, Perkins,~~
- 12 ~~Shannon, Todd, Tripp, Ziebach~~

13 Section 6. That § 38-32-11 be amended to read as follows:

14 38-32-11. The council shall annually elect a president and such other officers as are  
15 advisable and necessary to administer this chapter. A majority of voting directors shall  
16 constitute a quorum. All meetings of the council shall be called by the president. However,  
17 special meetings may be called by ~~five~~ three directors of the council. The council shall adopt  
18 procedures for the calling of special meetings.

19 Section 7. Within sixty days of the effective date of this Act, the council shall assign or  
20 reassign one director to each of the nine districts on the basis of residency and equity. Any  
21 director not so assigned or reassigned shall serve at large until the expiration of that director's  
22 term. During the transition interval, the council may, notwithstanding the provisions of section  
23 1 of this Act, exceed nine directors.