

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

363Z0763

SENATE AGRICULTURE AND NATURAL RESOURCES

ENGROSSED NO. **SB 166** - 2/22/2018

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Greenfield (Brock), Cronin, Frerichs, Heinert, Klumb, Langer, Maher, Netherton, Russell, Sutton, Tidemann, Wiik, and Youngberg and Representatives Qualm, Bordeaux, Dennert, Gosch, Greenfield (Lana), Kettwig, Lake, Latterell, Lesmeister, Marty, May, McCleerey, Mills, Peterson (Kent), Rasmussen, Rhoden, Schaefer, Schoenfish, Tulson, and Willadsen

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the inspection of
2 moisture-measuring devices.

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

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 Definition of terms. Terms used in this Act mean:

6 (1) "Agricultural commodity," any grain or seed which is ordinarily tested for moisture
7 content when offered for sale, processing, or storage;

8 (2) "Department," the Department of Public Safety;

9 (3) "Moisture-measuring devices," any device or instrument used in ascertaining the
10 moisture content of agricultural commodities;

11 (4) "Secretary," the secretary of the Department of Public Safety.

12 Section 2. That the code be amended by adding a NEW SECTION to read:



1 If good cause is shown, the department may inspect any moisture-measuring device used in
2 commerce in this state, except those belonging to the United States. The department may inspect
3 any moisture-measuring device without notice to the owner of the device. The department shall
4 charge a fee of fifty dollars for each device inspected under the provisions of this Act. The
5 department may not collect more than two fees per device at a location in any calendar year.

6 Section 3. That the code be amended by adding a NEW SECTION to read:

7 Each moisture-measuring device used for any commercial purpose in this state must be
8 registered with the department. There is a one-time fifty dollar registration fee per device. The
9 registration shall be completed on forms provided by the department. The owners of each
10 registered device shall annually file an affidavit on forms provided by the department detailing
11 information regarding calibrations, repairs, maintenance, and updates completed the previous
12 year for each device.

13 Section 4. That the code be amended by adding a NEW SECTION to read:

14 The fees imposed by this Act shall be deposited in the general fund.

15 Section 5. That § 38-31-2 be repealed.

16 ~~38-31-2. The department may inspect any moisture-measuring device or protein-measuring~~
17 ~~device used in commerce in this state, except those belonging to the United States. The~~
18 ~~department may inspect at the convenience of the department any moisture-measuring or~~
19 ~~protein-measuring device.~~

20 Section 6. That § 38-31-1 and §§ 38-31-3 to 38-31-9, inclusive be repealed.