

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

912W0304

SENATE BILL NO. 167

Introduced by: Senators Olson, Frerichs, Greenfield (Brock), Haggar (Jenna), Haverly, Hunhoff (Bernie), Otten (Ernie), Peterson (Jim), and Van Gerpen and Representatives Brunner, Beal, Feickert, Harrison, Haugaard, Hickey, Klumb, Langer, Latterell, Marty, Peterson (Kent), Russell, and Stalzer

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to moisture and protein
2 content devices and the fee that may be charged for such devices.

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

4 Section 1. That § 38-31-1 be amended to read as follows:

5 38-31-1. Terms used in this chapter, ~~unless the context otherwise requires~~, 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 Agriculture;

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

11 (4) "Protein-measuring devices," any electronic device or instrument used in ascertaining
12 the protein content of agricultural commodities;

13 (5) "Secretary," the secretary of the Department of Agriculture.

14 Section 2. That § 38-31-2 be amended to read as follows:



1 38-31-2. The department ~~may~~ shall inspect for accuracy any moisture-measuring device or
2 protein-measuring device used in commerce in this state, except those belonging to the United
3 States. The department may inspect at the convenience of the department any
4 moisture-measuring or protein-measuring device, but shall inspect each device at least once
5 annually, without notice to the owner of the device.

6 Section 3. That § 38-31-5 be amended to read as follows:

7 38-31-5. A fee not to exceed ~~twenty-five~~ fifty dollars may be charged for each device subject
8 to inspection under the provisions of this chapter and rules promulgated thereunder. The
9 department shall establish the amount of the fee by rule promulgated in accordance with chapter
10 1-26.