

2021 Kansas Statutes

34-223. **Definitions.** As used in chapter 34 of Kansas Statutes Annotated, and amendments thereto:

- (a) "Action" includes counterclaim, setoff and suit in equity.
- (b) "Delivery" means voluntary transfer of possessions from one person to another.
- (c) "Fungible grain" means grain of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit.
- (d) "Grain" means wheat, corn, oats, barley, rye, soybeans, grain sorghums and any grains upon which federal grain standards are established. "Grain" includes seeds generally stored by warehouses, if special permission is granted by the secretary.
- (e) "Holder of a receipt" means a person who has both actual possession of such receipt and a right of property therein.
- (f) "Order" means an order by endorsement of the receipt.
- (g) "Owner" does not include mortgagee or pledgee.
- (h) "Person" includes individuals, corporations, partnerships and all associations of two or more persons having a joint or common interest.
- (i) "To purchase" includes to take as mortgagee or pledgee.
- (j) "Receipt" means a warehouse receipt or receipts.
- (k) "Value" means any consideration sufficient to support a simple contract and includes an antecedent or preexisting obligation, whether for money or not, where a receipt is taken either in satisfaction thereof or as security therefor.
- (l) "Public warehouseman" means a person lawfully engaged in the business of storing grain for the public.
- (m) "Public warehouse" or "public grain warehouse" means every elevator or other building in which grain is received for storage or transfer for the public.
- (n) "Secretary" means the secretary of the Kansas department of agriculture or the secretary's designee.
- (o) "Department" means the Kansas department of agriculture.
- (p) "Grain bank grain" means any grain that has been received into any public warehouse to be held for the account of the depositor and returned to the depositor at a later date either as whole or processed grain.
- (q) "Storage grain" or "stored grain" means grain that has been received in any public warehouse located in this state, and such grain is not purchased by the lessee, owner or manager of such warehouse.
- (r) "Functional unit" means a public warehouse that has the capacity to store, weigh in and weigh out grain. The storage capacity of any outlying storage facility of a public warehouse that is not a functional unit itself shall be included as part of the combined capacity of the warehouseman's nearest functional unit.
- (s) "Open storage" means the storage of grain pursuant to the issuance of a scale ticket, regardless of whether the grain is retained in the warehouse that issued the scale ticket or elsewhere.
- (t) "Owner" means the holder of any warehouse receipt or any ticket for grain held in storage by a public warehouseman, regardless of whether the grain for which the warehouse receipt or ticket was issued is stored at the warehouse that issued the receipt or ticket or is stored elsewhere.
- (u) "Deferred payment" means any payment to be made pursuant to the terms of a grain purchase contract after the delivery of grain to a public warehouseman.
- (v) "Delayed pricing" means any method of pricing grain pursuant to the terms of a grain

purchase contract after the delivery of grain to a public warehouseman.

(w) "Financial institution" means any institution whose deposits, shares or accounts are insured by a federal agency or any bank for cooperative created pursuant to title III of the farm credit act of 1971.

(x) "Standby letter of credit" means "letter of credit" as that term is defined in K.S.A. 84-5-103, and amendments thereto, that by its terms:

- (1) Is irrevocable;
- (2) is nontransferrable;
- (3) names the seller that produced the grain as beneficiary;
- (4) shall not expire earlier than 60 calendar days after the final payment is due pursuant to the terms of the underlying grain purchase contract; and
- (5) cannot be drawn upon by the beneficiary in the absence of a default as defined by the terms of the underlying grain purchase contract.

(y) "Unpaid balance" means that portion of the purchase price under a grain purchase contract, together with an interest thereon, if any, that remains due and owing to the seller pursuant to the terms of the grain purchase contract at the time the seller makes a demand for payment as provided in the contract. If a grain purchase contract provides for delayed pricing and the price has not been established at the time the seller makes demand for payment, then for the purposes of this section only, the unpaid balance shall be determined as though the price had been established at the time of the closing of the relevant futures market on the last trading day before the seller made a demand for payment.

History: L. 1931, ch. 194, § 1; L. 1945, ch. 210, § 1; L. 1984, ch. 150, § 7; L. 1997, ch. 160, § 16; L. 2004, ch. 101, § 193; L. 2021, ch. 69, § 1; July 1.