

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

735I0697

## HOUSE ENGROSSED NO. **HB 1254** - 02/22/2003

Introduced by: Representatives Weems, Cutler, and Van Gerpen and Senator Greenfield

1 FOR AN ACT ENTITLED, An Act to exempt certain purchases of material used in the  
2 production of greenhouse, nursery, and ornamental plants from sales and use taxes.

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

4 Section 1. That chapter 10-45 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The purchase of any fertilizer, insecticides, pesticides, herbicides, growth regulators,  
7 fumigants, preservatives, soil, and plant shine that is directly used in the production of  
8 greenhouse, nursery, and ornamental plants intended to be sold ultimately at retail within or  
9 without the State of South Dakota is hereby specifically exempted from the tax imposed by  
10 chapter 10-45. This section only applies to a business primarily engaging in ornamental  
11 floricultural and nursery products (industry no. 0181) as enumerated in the Standard Industrial  
12 Classification Manual, 1987, as prepared by the Statistical Policy Division of the Office of  
13 Management and Budget, Office of the President.

14 Section 2. That chapter 10-46 be amended by adding thereto a NEW SECTION to read as  
15 follows:

16 The use in this state of any fertilizer, insecticides, pesticides, herbicides, growth regulators,



1 fumigants, preservatives, soil, and plant shine directly used in the production of greenhouse,  
2 nursery, and ornamental plants intended to be sold ultimately at retail within or without the State  
3 of South Dakota is hereby specifically exempted from the tax imposed by chapter 10-46. This  
4 section only applies to a business primarily engaging in ornamental floricultural and nursery  
5 products (industry no. 0181) as enumerated in the Standard Industrial Classification Manual,  
6 1987, as prepared by the Statistical Policy Division of the Office of Management and Budget,  
7 Office of the President.