

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

237L0402

## SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. **SB 152** - 02/03/2005

Introduced by: Senators Duenwald, Greenfield, Hansen (Tom), and Hanson (Gary) and  
Representatives Davis, Fryslie, Hackl, Hargens, and Jensen

1 FOR AN ACT ENTITLED, An Act to provide the secretary of agriculture with certain rule-  
2 making powers to regulate seed.

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

4 Section 1. That § 38-12A-20 be amended to read as follows:

5 38-12A-20. The secretary may promulgate rules, pursuant to the provisions of chapter 1-26,  
6 which are consistent with the following:

- 7 (1) To provide application forms for seed permits;
- 8 (2) To provide for procedures for contested cases;
- 9 (3) To designate which weed seeds are prohibited or restricted;
- 10 (4) To establish standards for sampling, inspecting, analyzing, and testing seeds;
- 11 (5) To establish the tolerances to be used;
- 12 (6) To establish which kinds of seed have to be labeled as to variety, variety not stated,  
13 type or performance characteristics;
- 14 (7) To establish standards for allowable weed seed or restricted noxious weed seed;
- 15 (8) To establish the length of time for which a germination test shall be acceptable;



- 1 (9) To establish standards for percentage of germination and inert matter;
- 2 (10) To establish which seeds a farmer can produce and sell without a label;
- 3 (11) To establish which seeds are subject to specific labeling and germination
- 4 requirements;
- 5 (12) To establish standards for enforcement of plant variety protection;
- 6 (13) To provide procedures for releasing seed from stop sales;
- 7 (14) To establish standards for imposing civil penalties;
- 8 (15) To establish standards for labels;
- 9 (16) To establish standards for size of file samples;
- 10 (17) To establish procedures and standards for the arbitration committee and the
- 11 arbitration process;
- 12 (18) To establish standards for the sale, transportation, storage, planting, disposal, or other
- 13 use of seed and for the posting of planted sites and notification of seed use.