

AN ACT

ENTITLED, An Act to provide the secretary of agriculture with certain rule-making powers to regulate seed.

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

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

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

- (1) To provide application forms for seed permits;
- (2) To provide for procedures for contested cases;
- (3) To designate which weed seeds are prohibited or restricted;
- (4) To establish standards for sampling, inspecting, analyzing, and testing seeds;
- (5) To establish the tolerances to be used;
- (6) To establish which kinds of seed have to be labeled as to variety, variety not stated, type or performance characteristics;
- (7) To establish standards for allowable weed seed or restricted noxious weed seed;
- (8) To establish the length of time for which a germination test shall be acceptable;
- (9) To establish standards for percentage of germination and inert matter;
- (10) To establish which seeds a farmer can produce and sell without a label;
- (11) To establish which seeds are subject to specific labeling and germination requirements;
- (12) To establish standards for enforcement of plant variety protection;
- (13) To provide procedures for releasing seed from stop sales;
- (14) To establish standards for imposing civil penalties;
- (15) To establish standards for labels;
- (16) To establish standards for size of file samples;

- (17) To establish procedures and standards for the arbitration committee and the arbitration process;
- (18) To establish standards for the sale, transportation, storage, planting, disposal, or other use of seed and for the posting of planted sites and notification of seed use.

An Act to provide the secretary of agriculture with certain rule-making powers to regulate seed.

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I certify that the attached Act
originated in the

SENATE as Bill No. 152

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 152

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State