

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

165M0379 **SENATE AGRICULTURE AND NATURAL RESOURCES**
COMMITTEE ENGROSSED NO. HB 1082 -
02/07/2006

Introduced by: Representatives Deadrick, Brunner, Dykstra, Halverson, Hargens, Jensen, Nelson, Rhoden, Sigdestad, and Tidemann and Senators Bogue, Dempster, Duenwald, Hansen (Tom), Hanson (Gary), Koskan, McNenny, Peterson (Jim), Schoenbeck, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to provide for uniform jurisdiction in the regulation of
2 certain seed, commercial fertilizer, commercial feed, animal remedies, and pesticide.

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

4 Section 1. The provisions of South Dakota law and rules preempt any local legislation
5 adopted by any political subdivision of the state that is related to the production, use,
6 advertising, sale, distribution, storage, transportation, formulation, packaging, labeling,
7 certification, registration, application, planting, or disposal of seed as defined in § 38-12A-1,
8 commercial fertilizer as defined in § 38-19-1, commercial feed as defined in § 39-14-39, animal
9 remedies as defined in § 39-18-1, and pesticide as defined in § 38-20A-1. No political
10 subdivision may adopt or continue in effect any such local legislation regardless of whether a
11 statute or a rule adopted by the state specifically preempts the local legislation. Local legislation
12 in violation of this section is void and unenforceable. For purposes of this section, the term,
13 local legislation, means any ordinance, motion, resolution, amendment, regulation, or rule



1 adopted by a political subdivision of the state.

2 Nothing in this section preempts or otherwise limits the authority of any county or
3 municipality to adopt and enforce zoning regulations, fire codes, building codes, or waste
4 disposal restrictions.