

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

165M0379

## HOUSE BILL NO. 1082

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  
14 adopted by a political subdivision of the state.



1        This section does not apply to local legislation of general applicability to commercial  
2 activity or to local legislation that provides for any activity related to seed, commercial fertilizer,  
3 commercial feed, animal remedies, or pesticides that are owned by the political subdivision and  
4 are kept or used on land or property held by the political subdivision. Nothing in this section  
5 preempts or otherwise limits the authority of any county or municipality to adopt and enforce  
6 zoning regulations, fire codes, building codes, or waste disposal restrictions.