

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

400Y0067

## SENATE BILL NO. 13

Introduced by: The Committee on Agriculture and Natural Resources at the request of the  
Department of Agriculture

1 FOR AN ACT ENTITLED, An Act to repeal certain provisions concerning potato grades and  
2 standards.

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

4 Section 1. That § 38-15-1 be repealed.

5 ~~38-15-1. Terms used in this chapter, unless the context otherwise plainly requires, shall~~  
6 ~~mean:~~

7 ~~(1) "Closed containers," any containers closed so as to be secure for handling;~~

8 ~~(2) "Label," any tag, label, or other device attached, written, stamped, printed, or~~  
9 ~~stenciled on any closed container setting forth the grade, condition, quality, weight,~~  
10 ~~variety, or class of the potatoes contained therein;~~

11 ~~(3) "Potatoes," that edible vegetable commonly known as white or Irish potatoes.~~

12 Section 2. That § 38-15-5 be repealed.

13 ~~38-15-5. The "South Dakota Certified Seed" grade of potatoes shall conform in all respects~~  
14 ~~to the provisions of the seed laws of this state and the regulations made thereunder, and shall~~  
15 ~~be labeled in accordance therewith.~~



1 Section 3. That § 38-15-34 be repealed.

2 ~~38-15-34. Upon complaint made by the secretary of agriculture alleging violation of this~~  
3 ~~chapter or of the regulations duly made thereunder, it shall be the duty of the attorney general~~  
4 ~~and of the state's attorney in the county where the case arises to cause appropriate legal~~  
5 ~~proceedings to be commenced and prosecuted in the proper courts without delay for the~~  
6 ~~enforcement of the penalties as provided in this chapter.~~

7 Section 4. That § 38-1-27 be repealed.

8 ~~38-1-27. The powers and duties set forth in chapter 38-15 shall be performed by the~~  
9 ~~secretary of agriculture of the State of South Dakota, with such assistance as is afforded by the~~  
10 ~~agronomy and plant pathology departments of the South Dakota State University at Brookings,~~  
11 ~~South Dakota.~~

12 Section 5. That § 38-1-28 be repealed.

13 ~~38-1-28. The secretary of agriculture is authorized to use the physical facilities and~~  
14 ~~personnel of the South Dakota State University in the technical branches of seed testing,~~  
15 ~~registration, certification, and analyzing, in order to adequately carry on the necessary work~~  
16 ~~under chapter 38-15.~~