**12:62:03:01.  Characteristics of noxious weed.** A noxious weed possesses the following characteristics:

 (1)  The weed is a perennial;

 (2)  The weed is capable of unique and rapid spreading and growth under adverse conditions;

 (3)  The weed is not controllable without special preventive chemical, mechanical, biological, and cultural practices;

 (4)  The weed is capable of materially reducing the production of crops or livestock;

 (5)  The weed is capable of decreasing the value of the land; and

 (6)  The weed is not native to the state.

 **Source:** SL 1975, ch 16, § 1; 10 SDR 83, effective February 7, 1984; 12 SDR 128, 12 SDR 154, effective July 1, 1986; repealed, 22 SDR 52, effective October 25, 1995; readopted, 23 SDR 185, effective May 8, 1997.

 **General Authority:** 38-22-7, 38-22-9, 38-22-11.1.

 **Law Implemented:** 38-22-7, 38-22-9.