

AN ACT

ENTITLED, An Act to provide for the biennial registration of pesticides, to revise the distribution of the pesticide application fee, and to declare an emergency.

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

Section 1. That § 38-20A-4 be amended to read as follows:

38-20A-4. On or before July 1, 1998, and every two years thereafter, and before any person whose name or brand name appears on a pesticide may distribute, sell, or offer for sale or distribution in this state any pesticide, the person shall file with the secretary of agriculture an application for the registration of the pesticide. Each application shall include, but is not limited to, the following:

- (1) The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant;
- (2) The name of the pesticide;
- (3) One complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including directions for use;
- (4) If requested by the secretary, efficacy, toxicity, residue, and any other data necessary to determine if the pesticide will perform its intended function without unreasonable adverse effects on the environment;
- (5) The classification or lack of classification and general use or restricted use of the pesticide;
and
- (6) A biennial application fee of one hundred seventy-five dollars.

Each registration is valid for a two-year period and expires on the alternate June thirtieth. The registration may not be transferred. A fee equal to fifty percent of the application fee shall be applied to any late renewal.

If a pesticide has not been manufactured or distributed for two years, or is no longer available for use due to a cancellation or suspension order of the United States Environmental Protection Agency,

it is not subject to registration requirements.

Section 2. That chapter 38-20A be amended by adding thereto a NEW SECTION to read as follows:

The biennial application fee for each pesticide registered in § 38-20A-4 shall be distributed as follows:

- (1) Forty dollars shall be deposited in the pesticide regulatory fund created in § 38-21-57;
- (2) Forty-two dollars and fifty cents shall be deposited in the weed and pest fund created in § 38-22-35;
- (3) Forty-two dollars and fifty cents shall be deposited in the public lands weed and pest fund created in § 38-20A-58;
- (4) Thirty dollars shall be deposited within the agricultural experiment station pursuant to chapter 13-58; and
- (5) Twenty dollars shall be deposited within the cooperative extension service pursuant to chapter 13-54.

The late renewal fee in § 38-20A-4 shall be divided equally among the weed and pest fund created in § 38-22-35, the pesticide regulatory fund created in § 38-21-57, and the public lands weed and pest fund created in § 38-20A-58.

Section 3. That § 38-20A-7 be repealed.

Section 4. That § 38-20A-9 be repealed.

Section 5. That § 38-20A-9.1 be repealed.

Section 6. That § 38-20A-10 be amended to read as follows:

38-20A-10. If it appears to the secretary of agriculture that the composition of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of §§ 38-20A-16 to 38-20A-29, inclusive, the secretary shall register the article.

Section 7. That § 38-20A-58 be amended to read as follows:

38-20A-58. There is hereby established within the state treasury the public lands weed and pest fund. Interest accrued on money in the fund shall be deposited to the fund. All money in the public lands weed and pest fund shall be budgeted and expended in accordance with Title 4 by the Department of School and Public Lands for weed and pest control on school and public lands and meandered lake lands. At the end of each fiscal year, any unobligated cash in the public lands weed and pest fund in excess of three hundred thousand dollars shall revert to the weed and pest fund created in § 38-22-35.

Section 8. That § 38-22-35 be amended to read as follows:

38-22-35. All funds collected pursuant to § 38-22-36 shall be deposited with the state treasurer in a special fund known as the "weed and pest control fund."

Section 9. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

An Act to provide for the biennial registration of pesticides, to revise the distribution of the pesticide application fee, and to declare an emergency.

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I certify that the attached Act originated in the

SENATE as Bill No. 21

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. 21
File No. _____
Chapter No. _____

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Received at this Executive Office this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 19__

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State