

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

400B0284

SENATE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **SB21** - 2/11/98

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

Introduced by: The Committee on Appropriations at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to provide for the biennial registration of pesticides, to

2 revise the distribution of the pesticide application fee, and to declare an emergency.

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

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

5 38-20A-4. On or before ~~the first day of July of each year~~ July 1, 1998, and every two years

6 thereafter, and before any person whose name or brand name appears on a pesticide may

7 distribute, sell, or offer for sale or distribution in this state any pesticide, ~~he~~ the person shall file

8 with the secretary of agriculture an application for the registration of the pesticide. Each

9 application shall include, but is not limited to, the following:

10 (1) The name and address of the applicant and the name and address of the person whose

11 name will appear on the label, if other than the applicant;

12 (2) The name of the pesticide;

13 (3) ~~Two~~ One complete ~~copies~~ copy of the labeling accompanying the pesticide and a

14 statement of all claims to be made for it, including directions for use;

15 (4) If requested by the secretary, ~~a full description of the tests made and the results upon~~

1 ~~which the claims are based; and~~ efficacy, toxicity, residue, and any other data
2 necessary to determine if the pesticide will perform its intended function without
3 unreasonable adverse effects on the environment;

4 (5) The classification or lack of classification and general use or restricted use of the
5 pesticide; and

6 (6) A biennial application fee of one hundred seventy-five dollars.

7 Each registration is valid for a two-year period and expires on the alternate June thirtieth.

8 The registration may not be transferred. A fee equal to fifty percent of the application fee shall
9 be applied to any late renewal.

10 If a pesticide has not been manufactured or distributed for two years, or is no longer available
11 for use due to a cancellation or suspension order of the United States Environmental Protection
12 Agency, it is not subject to registration requirements.

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

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

17 (1) Forty dollars shall be deposited in the pesticide regulatory fund created in § 38-21-57;

18 (2) Forty-two dollars and fifty cents shall be deposited in the weed and pest fund created
19 in § 38-22-35;

20 (3) Forty-two dollars and fifty cents shall be deposited in the public lands weed and pest
21 fund created in § 38-20A-58;

22 (4) Thirty dollars shall be deposited within the agricultural experiment station pursuant
23 to chapter 13-58; and

24 (5) Twenty dollars shall be deposited within the cooperative extension service pursuant
25 to chapter 13-54.

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

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

5 ~~38-20A-7. Products which have the same formula, are manufactured by the same person,
6 have labels that contain the same claims and uses and have labels that bear a designation
7 identifying the product as the same pesticide may be registered as a single pesticide. Additional
8 names and labels may be added by supplemental statements during the current period of
9 registration.~~

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

11 ~~38-20A-9. At the time of filing the application required in § 38-20A-4, the person filing the
12 application shall pay to the secretary a registration fee of twenty-five dollars and a weed and pest
13 control fund surcharge of fifty dollars and, in addition to any other fee or surcharge enacted by
14 the Legislature pursuant to the fees established in this section, a pesticide groundwater fee of
15 twenty-five dollars for each pesticide to be registered. The registration fee shall be deposited in
16 the pesticide regulatory fund and the weed and pest control fund surcharge shall be deposited
17 in the weed and pest control fund and the public lands weed and pest fund pursuant to
18 § 38-22-35. The pesticide groundwater fee shall be deposited in the groundwater protection fund
19 to fund the groundwater research and education program established pursuant to § 46A-1-85 for
20 five years until March 15, 1994, at which point collection of the pesticide groundwater fee shall
21 cease.~~

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

23 ~~38-20A-9.1. Twelve dollars of the amount deposited in the public lands weed and pest fund
24 pursuant to § 38-22-35 shall be used for weed control. Priority shall be given to control weeds
25 on meandered lakes.~~

1 ~~Grant requests to the public lands weed and pest fund for meandered lake lands shall be~~
2 ~~reviewed by the office of school and public lands and expended from the public lands weed and~~
3 ~~pest fund.~~

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

5 38-20A-10. If it appears to the secretary of agriculture that the composition of the article is
6 such as to warrant the proposed claims for it and if the article and its labeling and other material
7 required to be submitted comply with the requirements of §§ 38-20A-16 to 38-20A-29,
8 inclusive, he the secretary shall register the article. ~~All registrations shall expire on June thirtieth~~
9 ~~following the date of issue and shall be renewed annually.~~

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

11 38-20A-58. There is hereby established within the state treasury the public lands weed and
12 pest fund. Interest accrued on money in the fund shall be deposited to the fund. All money in the
13 public lands weed and pest fund shall be budgeted and expended in accordance with Title 4 by
14 the Department of School and Public Lands for weed and pest control on school and public lands
15 and meandered lake lands. At the end of each fiscal year, any unobligated cash in the public lands
16 weed and pest fund shall revert to the weed and pest fund created in § 38-22-35.

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

18 38-22-35. ~~Any funds collected pursuant to the weed and pest control surcharge established~~
19 ~~in § 38-20A-9 shall be distributed as follows: twenty-four dollars and fifty cents shall be~~
20 ~~deposited in the public lands weed and pest fund, and twenty-five dollars and fifty cents shall be~~
21 ~~deposited in the weed and pest control fund.~~ All funds collected pursuant to § 38-22-36 shall be
22 deposited with the state treasurer in a special fund known as the "weed and pest control fund."

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

1 **BILL HISTORY**

2 1/13/98 First read in Senate and referred to Appropriations. S.J. 23

3 1/23/98 Scheduled for Committee hearing on this date.

4 1/23/98 Appropriations Deferred to another day.

5 2/6/98 Scheduled for Committee hearing on this date.

6 2/10/98 Scheduled for Committee hearing on this date.

7 2/10/98 Appropriations Do Pass Amended, Passed, AYES 9, NAYS 0. S.J. 406