

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0220

HOUSE BILL NO. 1021

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 revise certain provisions regarding liability for violations
2 regarding plant quarantines and to establish certain fees for inspections and issuances of
3 certificates for the movement of plants and plant products.

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

5 Section 1. That § 38-24A-17 be amended to read as follows:

6 38-24A-17. Any person who violates any of the provisions of this chapter or who alters,
7 forges, counterfeits, or uses without authority any certificate or permit or other document
8 provided for in this chapter or in the rules of the secretary of agriculture provided for in this
9 chapter, is guilty of a Class 1 misdemeanor. In addition, any person is liable in a civil action for
10 all damage that is occasioned or caused by a violation of this chapter.

11 Section 2. That chapter 38-24A be amended by adding thereto a NEW SECTION to read
12 as follows:

13 The Department of Agriculture may grant special phytosanitary certificates on any plants or
14 plant products for individual shipment to other states in compliance with the plant inspection and
15 plant quarantine regulations of the state of destination or to foreign countries in compliance with

1 the plant inspection and plant quarantine regulations of the countries of destination.

2 Section 3. That chapter 38-24A be amended by adding thereto a NEW SECTION to read
3 as follows:

4 Any owner of plants or plant products, not included in § 38-24B-12, intending to ship those
5 plants or plant products into another state or country may apply to the Department of
6 Agriculture for an inspection or for obtaining an official sample. The inspection shall determine
7 the presence of pests or the suitability of processing equipment and grades which would prevent
8 the acceptance of the plants or plant products into other states or countries. Upon receipt of the
9 application, the department may comply with the request and may issue a certificate of facts
10 disclosed. The fee for inspection, obtaining samples, or issuing certificates are as follows:

- 11 (1) Sample inspection, thirty dollars;
- 12 (2) Field inspection, one hundred dollars for the first acre and one dollar for each
13 additional acre;
- 14 (3) Equipment or facility inspection, seventy-five dollars;
- 15 (4) State certificate, thirty dollars; and
- 16 (5) Federal certificate, fifty dollars.

17 Section 4. That § 38-24B-27 be repealed.

18 ~~38-24B-27. The Department of Agriculture may grant special phytosanitary certificates on~~
19 ~~any plants or plant products for individual shipment to other states in compliance with the plant~~
20 ~~inspection and plant quarantine regulations of the state of destination or to foreign countries in~~
21 ~~compliance with the plant inspection and plant quarantine regulations of the countries of~~
22 ~~destination.~~

23 Section 5. That § 38-24B-28 be repealed.

24 ~~38-24B-28. Any owner of plants or plant products intending to ship those plants or products~~

1 ~~into another state or country may apply to the Department of Agriculture for an inspection or~~
2 ~~for obtaining an official sample. The inspection shall determine the presence of pests, or the~~
3 ~~suitability of processing equipment and grades which would prevent the acceptance of the plants~~
4 ~~or plant parts into other states or countries. Upon receipt of the application, the department may~~
5 ~~comply with the request and may issue a certificate of the facts disclosed. The fee for inspection~~
6 ~~or for obtaining samples which require the department to travel to the inspection site is thirty~~
7 ~~dollars, except for fields of growing plants where the fee is thirty dollars for the first acre and~~
8 ~~thirty cents for each additional acre. The fee for inspection of samples sent to the department is~~
9 ~~ten dollars. The department may designate local agents for the purpose of making inspections~~
10 ~~of plant or plant products pursuant to this section.~~