

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

750E0076

CONFERENCE COMMITTEE ENGROSSED NO.

SB 98 - 03/02/2001

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

Introduced by: Senator Hutmacher and Representatives Nachtigal and Bartling

1 FOR AN ACT ENTITLED, An Act to establish certain penalties for failure to control weeds and
2 pests.

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

4 Section 1. That chapter 38-22 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If the county weed and pest board is requested by an individual to perform weed and pest
7 control operations on the individual's property and the individual fails to reimburse the county
8 by November first in the year in which the operations are performed, the cost of the control, plus
9 an administrative fee of fifty dollars or ten percent of the cost of control, whichever is greater,
10 shall be charged as taxes against each tract of land on which the expenses were incurred pursuant
11 to § 38-22-23.14.

12 Section 2. That § 38-22-23.14 be amended to read as follows:

13 38-22-23.14. If the landowner fails or refuses to perform as required within the time
14 designated, the county weed and pest board may proceed to perform the requirements. The

1 board shall certify its expenses to the county auditor, and the auditor shall bill the landowner for
2 the amount of the expenses, plus an administrative fee of fifty dollars or ten percent of the cost
3 of control, whichever is greater. If the landowner has not paid the bill by November first of the
4 calendar year in which the expenses were incurred, the amount of the bill shall be further
5 increased by ten percent, and the adjusted amount shall be charged as taxes against each tract
6 of land on which the expenses were incurred. The adjusted amount shall be collected as other
7 taxes and credited to the general fund.

8 Section 3. That chapter 38-22 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 Any owner, occupant, or other person who maintains or exercises control or management
11 over land who is issued a resolution by the county weed and pest board pursuant to § 38-22-
12 23.13 for three consecutive years and fails to perform the minimum remedial requirements for
13 control is subject to a civil penalty of up to five hundred dollars. Any owner, occupant, or other
14 person who maintains or exercises control or management over land on which the county weed
15 and pest board has performed remedial requirements pursuant to § 38-22-23.14 for three
16 consecutive years is subject to a civil penalty of up to five hundred dollars.