

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

750E0076

SENATE BILL NO. 98

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 § 38-22-17.1 be amended to read as follows:

5 38-22-17.1. It is a Class 2 misdemeanor for any owner, occupant, or other person who
6 maintains or exercises control or management over land to fail to comply with any order of the
7 secretary of agriculture or the South Dakota Weed and Pest Control Commission to effectuate
8 the purposes in this chapter. Any owner, occupant, or other person who maintains or exercises
9 control or management over land who is issued notice pursuant to § 38-22-17 or 38-22-18 for
10 two consecutive years is guilty of a Class 2 misdemeanor. Any owner, occupant, or other person
11 who maintains or exercises control or management over land on which the secretary of
12 agriculture has conducted protective operations pursuant to §§ 38-22-17 and 38-22-21 for two
13 consecutive years is guilty of a Class 1 misdemeanor.

14 Section 2. That chapter 38-22 be amended by adding thereto a NEW SECTION to read as
15 follows:

1 Any owner, occupant, or other person who maintains or exercises control or management
2 over land who is issued a resolution by the county weed and pest board pursuant to § 38-22-
3 23.13 for two consecutive years is guilty of a Class 2 misdemeanor. Any owner, occupant, or
4 other person who maintains or exercises control or management over land on which the county
5 weed and pest board has performed remedial requirements pursuant to § 38-22-23.14 for two
6 consecutive years is guilty of a Class 1 misdemeanor.