

AN ACT

ENTITLED, An Act to establish the South Dakota Certified beef program, to create the South Dakota Certified beef fund, and to declare an emergency.

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

Section 1. This Act shall be cited as the South Dakota Certified Beef Program Act of 2005.

Section 2. Only beef products, whether live animals or finished consumer products, which have been produced by registered participants in full compliance with all the applicable requirements of this Act may be certified, identified, classified, packaged, labeled, or otherwise designated for sale inside or outside this state as South Dakota Certified™ Beef.

Section 3. The secretary of the Department of Agriculture may establish quality protocols, guidelines, program requirements, license fees, and license requirements and operate, supervise, and control the South Dakota Certified beef program.

Section 4. The use of any certification mark, trademark, service mark, copyright, or label of the South Dakota Certified beef program shall be in accordance with the terms and conditions of a valid license issued by the secretary. A violation of this section is a Class 6 felony.

Section 5. Any data or financial information made or received by the secretary of agriculture pursuant to this Act is not public record and is exempt from the provisions of § 1-27-1. However, the secretary may provide information gathered pursuant to this Act to any government agency if the information is needed for a government sponsored animal identification tracking program or for any public health or safety reason.

Section 6. The secretary of agriculture may by rule promulgated pursuant to chapter 1-26, prescribe the following:

- (1) Qualifications or conditions for using any intellectual property right, mark, or label of the South Dakota Certified beef program;

- (2) Reasonable fees for licenses and services of the program, such fees to be reasonably commensurate with the cost of developing, administering, and marketing the program;
- (3) License application procedures, the terms and conditions of any license, and any official form the secretary deems necessary and appropriate;
- (4) Methods and means of conducting inspections, keeping records, and otherwise insuring program compliance by participants in the program; and
- (5) Provisions to maintain the confidentiality of business information provided to the secretary by participants in the program.

Section 7. In addition to any other remedy provided by law, the secretary may proceed by suit in any court of competent jurisdiction to enforce the terms and provisions of this Act and of any license issued pursuant to this Act. The secretary may as a part of any such suit seek injunctive relief.

Section 8. In addition to any other remedy provided by law, the secretary may revoke a license for cause pursuant to chapter 1-26.

Section 9. The secretary of agriculture and the secretary of tourism and state development shall consult and cooperate, and shall exchange such services, personnel, and information as are necessary and appropriate in order to develop, administer, and market the South Dakota Certified beef program.

Section 10. There is hereby created within the state treasury the South Dakota Certified beef fund, into which all license fees, inspection fees, and other fees or revenues paid to the state from the operation of the South Dakota Certified beef program shall be deposited. All moneys in the fund created by this section shall be used for the purpose of developing, administering, and marketing the South Dakota Certified beef program. Expenditures from the fund shall be appropriated through the normal budget process.

Section 11. 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.

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I certify that the attached Act
originated in the

SENATE as Bill No. 220

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. 220
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State