

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

336N0190

## SENATE BILL NO. 84

Introduced by: Senators Hansen (Tom), McNenny, and Peterson (Jim) and Representatives  
Dennert, Elliott, Hargens, Juhnke, Lust, Sigdestad, and Turbiville

1 FOR AN ACT ENTITLED, An Act to establish the special invasive weed and pest management  
2 fund and to increase the pesticide registration fee.

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 July 1, 1998, and every two years thereafter, and before any person  
6 whose name or brand name appears on a pesticide may distribute, sell, or offer for sale or  
7 distribution in this state any pesticide, the person shall file with the secretary of agriculture an  
8 application for the registration of the pesticide. Each application shall include, ~~but is not limited~~  
9 ~~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) One complete copy of the labeling accompanying the pesticide and a statement of all  
14 claims to be made for it, including directions for use;
- 15 (4) If requested by the secretary, efficacy, toxicity, residue, and any other data necessary



1 to determine ~~if~~ whether the pesticide will perform its intended function without  
2 unreasonable adverse effects on the environment;

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

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

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

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

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

12 Section 2. That § 38-20A-59 be amended to read as follows:

13 38-20A-59. The biennial application fee for each pesticide registered in § 38-20A-4 shall  
14 be distributed as follows:

15 (1) Forty dollars shall be deposited in the pesticide regulatory fund created in § 38-21-  
16 57;

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

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

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

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

1       (6) Fifty dollars shall be deposited in the special invasive weed and pest management  
2             fund created in section 4 of this Act.

3       The late renewal fee in § 38-20A-4 shall be divided equally among the weed and pest fund  
4       created in § 38-22-35, the pesticide regulatory fund created in § 38-21-57, ~~and~~ the public lands  
5       weed and pest fund created in § 38-20A-58, and the special invasive weed and pest management  
6       fund created in section 3 of this Act.

7       Section 3. That § 38-22-36 be amended to read as follows:

8       38-22-36. The commission may accept gifts, grants, contracts, or other funds designated for  
9       weed and pest management. ~~Such~~ Unless otherwise specified in law, such funds shall be  
10       deposited in the weed and pest control fund and may be expended pursuant to § 38-22-38.

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

13       There is hereby created a special fund in the state treasury known as the special invasive  
14       weed and pest management fund. Money in the fund may only be used for the purposes  
15       prescribed in section 5 of this Act. The fund consists of money designated for deposit in the  
16       fund pursuant to § 38-20A-59, interest on investments of money from the fund, and money from  
17       all legal public and private sources, including gifts, grants, contracts, legislative appropriations,  
18       and federal grants. If the amount of money in the invasive weed and pest management fund  
19       exceeds five hundred thousand dollars at the end of the fiscal year, the excess shall be  
20       transferred to the weed and pest control fund created in § 38-22-35.

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

23       The commission may expend money from the special invasive weed and pest management  
24       fund through grants and contracts to weed and pest control boards, governmental agencies, or

1 other entities it considers appropriate for invasive weed and pest management projects. Money  
2 may be expended from the fund for the following purposes:

- 3 (1) Provide early detection, rapid response, and eradication at county level before  
4 terrestrial or aquatic invasive weed or pest reaches statewide infestation;
- 5 (2) Provide enhanced management and planning techniques or strategies for statewide  
6 implementation;
- 7 (3) Expand financial resources of counties and state through leveraging of federal funds.

8 Money shall be expended from the fund for invasive weed or pest control. Multi-year  
9 programs are eligible for funding under this section, but funding shall be approved annually by  
10 the commission. Funds may not be expended under this section unless a signed agreement is  
11 entered into by all participating entities.

12 Section 6. That chapter 38-22 be amended by adding thereto a NEW SECTION to read as  
13 follows:

14 The commission shall promulgate rules pursuant to chapter 1-26 to govern the uses and  
15 expenditure of funds from the special invasive weed and pest management fund. The rules shall  
16 specify application procedures and requirements, eligibility requirements, economic and  
17 technical feasibility standards, award criteria, reporting requirements, evaluation procedures and  
18 requirements, and other requirements related to the use of money from the fund.