

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

840P0439

HOUSE AGRICULTURE AND NATURAL RESOURCES

ENGROSSED NO. **SB 134** - 2/21/2008

Introduced by: Senators Duenwald, Hansen (Tom), Hanson (Gary), Hauge, Lintz, McNenny, Peterson (Jim), and Sutton and Representatives Vehle, Brunner, Deadrick, DeVries, Halverson, Hargens, Jerke, Nelson, Sigdestad, Tidemann, and Vanneman

1 FOR AN ACT ENTITLED, An Act to increase the pesticide registration fee, to revise its
2 allocation, to revise certain related provisions, and to declare an emergency.

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~~ Before any
6 person whose name or brand name appears on a pesticide may distribute, sell, or offer for sale
7 or distribution in this state any pesticide, the person shall file with the secretary of agriculture
8 an application for the registration of the pesticide. Each application shall include, ~~but is not~~
9 ~~limited 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



1 claims to be made for it, including directions for use;

2 (4) If requested by the secretary, efficacy, toxicity, residue, and any other data necessary
3 to determine if the pesticide will perform its intended function without unreasonable
4 adverse effects on the environment;

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

7 (6) A biennial application fee of ~~one hundred seventy-five~~ three hundred dollars.
8 Beginning July 1, 2010, the biennial application fee is two hundred forty dollars.

9 Each registration is valid for a two-year period and expires on the alternate June thirtieth.
10 The registration may not be transferred. A fee equal to fifty percent of the application fee shall
11 be applied to any late renewal.

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

15 Section 2. That § 38-20A-55 be amended to read as follows:

16 38-20A-55. The secretary of agriculture ~~may~~ shall establish an advisory committee to
17 oversee development and implementation of the program established in §§ 38-20A-54 to 38-
18 20A-57, inclusive. Committee members shall represent entities or agencies cooperating with the
19 Department of Agriculture in the pesticide container recycling and pesticide disposal program.
20 Duties of the advisory committee ~~shall include establishing an educational effort~~ include
21 conducting ongoing educational efforts on waste minimization and container rinsing and
22 promoting waste pesticide and pesticide container collection.

23 Section 3. That § 38-20A-59 be amended to read as follows:

24 38-20A-59. The biennial application fee for each pesticide registered in § 38-20A-4 shall

1 be distributed as follows:

- 2 (1) Forty dollars shall be deposited in the pesticide regulatory fund created in § 38-21-
3 57;
- 4 (2) ~~Forty-two dollars and fifty cents~~ Sixty-seven dollars and fifty cents shall be deposited
5 in the weed and pest fund created in § 38-22-35;
- 6 (3) Forty-two dollars and fifty cents shall be deposited in the public lands weed and pest
7 fund created in § 38-20A-58;
- 8 (4) Thirty dollars shall be deposited within the agricultural experiment station pursuant
9 to chapter 13-58; ~~and~~
- 10 (5) Twenty dollars shall be deposited within the cooperative extension service pursuant
11 to chapter 13-54;
- 12 (6) Forty dollars shall be deposited in the pesticide recycling and disposal fund created
13 in § 38-20A-56; and
- 14 (7) Sixty dollars shall be deposited in the coordinated natural resources conservation
15 fund created in § 38-7-25. This subdivision is repealed on July 1, 2010.

16 The late renewal fee in § 38-20A-4 shall be divided equally among the weed and pest fund
17 created in § 38-22-35, the pesticide regulatory fund created in § 38-21-57, and the public lands
18 weed and pest fund created in § 38-20A-58.

19 Section 4. Whereas, this Act is necessary for the support of the state government and its
20 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
21 full force and effect from and after its passage and approval.