

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

921P0106

SENATE BILL NO. 152

Introduced by: Senators Hansen (Tom), Duenwald, Lintz, Maher, Peterson (Jim), and Sutton
and Representatives Juhnke, Ahlers, Boomgarden, Brunner, Burg, DeVries,
Gassman, Jerke, Kirkeby, Lust, Putnam, and Turbiville

1 FOR AN ACT ENTITLED, An Act to increase the biennial pesticide registration fee and to
2 revise its allocation for the weed and pest fund.

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;



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

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

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

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

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

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

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

16 (1) Forty dollars shall be deposited in the pesticide regulatory fund created in § 38-21-
17 57;

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

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

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

24 (5) Twenty dollars shall be deposited within the cooperative extension service pursuant

1 to chapter 13-54.

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