**12:62:11:05.  Action of secretary in cases referred by board.** The secretary shall review board requests for assistance with noncompliance cases and may accept or reject them. The decision to accept or reject shall be based on the following criteria:

 (1)  Control efforts of the landowner or operator;

 (2)  Control and enforcement efforts on adjoining land;

 (3)  Local board efforts and results;

 (4)  An evaluation of the menace to neighboring lands of the infestation; and

 (5)  Board publication of a legal notice of the noxious weeds, declared pests, and commission approved locally noxious weeds and locally declared pests before April 1 of each year or at least 30 days before the filing of a request for assistance.

 All requests for assistance shall be made on a form approved by the commission. Once accepted, a case will remain under departmental jurisdiction until released by the department.

 **Source:** 10 SDR 83, effective February 7, 1984; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

 **General Authority:** SDCL 38-22-7, 38-22-11.

 **Law Implemented:** SDCL 38-22-16, 38-22-16.1, 38-22-32.