

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

264Z0871

SENATE BILL NO. 194

Introduced by: Senators Greenfield (Brock), Cammack, Frerichs, Heinert, Sutton, Tidemann,
and Wiik and Representatives Qualm, Hawley, Heinemann, Peterson (Kent),
and Reed

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding registration fees of
2 pesticide products and create the precision agriculture building 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:

5 38-20A-4. Before any person whose name or brand name appears on a pesticide may
6 distribute, sell, or offer for sale or distribution in this state any pesticide, the person shall file
7 with the secretary of agriculture an application for the registration of the pesticide. Each
8 application shall include the following:

- 9 (1) The name and address of the applicant and the name and address of the person whose
10 name will appear on the label, if other than the applicant;
- 11 (2) The name of the pesticide;
- 12 (3) One complete copy of the labeling accompanying the pesticide and a statement of all
13 claims to be made for it, including directions for use;
- 14 (4) If requested by the secretary, efficacy, toxicity, residue, and any other data necessary



1 to determine if the pesticide will perform its intended function without unreasonable
2 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~~ An annual application fee of ~~three hundred~~ one hundred one dollars.
6 ~~Beginning July 1, 2010, the biennial application fee is two hundred forty dollars.~~

7 Each registration is valid for a two-year period or a one-year period as provided in
8 subdivision (6) and expires on the alternate June thirtieth. The registration may not be
9 transferred. A fee equal to fifty percent of the application fee shall be applied to any late
10 renewal.

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

14 Section 2. That § 38-20A-59 be amended to read:

15 38-20A-59. The biennial application fee for each pesticide registered in § 38-20A-4 or an
16 annual application fee as provided in subdivision (8) shall be distributed as follows:

17 (1) Forty dollars shall be deposited in the pesticide regulatory fund created in § 38-21-
18 57;

19 (2) Sixty-seven dollars and fifty cents shall be deposited in the weed and pest fund
20 created in § 38-22-35;

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

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

- 1 (5) Twenty dollars shall be deposited within the cooperative extension service pursuant
- 2 to chapter 13-54;
- 3 (6) Forty dollars shall be deposited in the pesticide recycling and disposal fund created
- 4 in § 38-20A-56; ~~and~~
- 5 (7) Repealed by SL 2008, ch 208, § 3 eff. July 1, 2010; and
- 6 (8) One dollar shall be deposited in the precision agriculture building fund created in
- 7 section 3 of this Act.

8 The late renewal fee in § 38-20A-4 shall be divided equally among the weed and pest fund

9 created in § 38-22-35, the pesticide regulatory fund created in § 38-21-57, and the public lands

10 weed and pest fund created in § 38-20A-58.

11 Section 3. That chapter 38-20A be amended by adding a NEW SECTION to read:

12 There is hereby created the precision agriculture building fund. The fund shall be

13 administered by the Board of Regents.