

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

400R0261

## HOUSE BILL NO. 1058

Introduced by: The Committee on Agriculture and Natural Resources at the request of the  
Department of Agriculture

1 FOR AN ACT ENTITLED, An Act to restructure the South Dakota Weed and Pest Control  
2 Commission.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 38-22-1.5 be amended to read as follows:

5 38-22-1.5. The South Dakota Weed and Pest Control Commission ~~shall consist~~ consists of  
6 the following members: the secretary of agriculture or a designee; and the dean of the college  
7 of agriculture and biological sciences of South Dakota State University or a designee who shall  
8 serve as nonvoting members, the secretary of transportation or a designee, the secretary of game,  
9 fish and parks or a designee, the commissioner of school and public lands or a designee, a  
10 member of the South Dakota Association of County ~~Commissions~~, ~~the president of the South~~  
11 ~~Dakota County Association of Weed and Pest Boards or a designee~~, ~~the president of the South~~  
12 ~~Dakota Association of Weed and Pest Supervisors or a designee~~ Commissioners to be appointed  
13 by that association, and ~~six~~ five members appointed by the Governor as provided in § 38-22-1.6.

14 Section 2. That § 38-22-1.6 be amended to read as follows:

15 38-22-1.6. The ~~six~~ five members of the South Dakota Weed and Pest Control Commission



1 appointed by the Governor shall be selected from a list of nominees presented by the State  
2 Association of County Weed and Pest Boards, who shall submit at least three names for each  
3 appointment. One member from District I shall reside within the counties of Beadle, Brookings,  
4 Brown, Clark, Codington, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Hyde,  
5 Kingsbury, Marshall, or McPherson, Roberts, or Spink; one member from District II shall reside  
6 within the counties of Aurora, Bon Homme, Brookings Brule, Buffalo, Charles Mix, Clay,  
7 Davison, Douglas, Hanson, Hutchinson, Kingsbury Jerauld, Lake, Lincoln, McCook, Miner,  
8 Minnehaha, Moody, Sanborn, Turner, Union, or Yankton; one member from District III shall  
9 reside within the counties of Bennett, ~~Custer, Fall River~~ Campbell, Corson, Dewey, Gregory,  
10 Haakon, Hughes, Jackson, Jones, Lyman, Mellette, ~~Pennington, Shannon, or Potter, Stanley,~~  
11 Sully, Todd, Tripp, Walworth, or Ziebach; ~~one member shall reside within the counties of~~  
12 ~~Aurora, Brule, Buffalo, Charles Mix, Davison, Douglas, Gregory, Hanson, Jerauld, Sanborn,~~  
13 ~~or Tripp; one member shall reside within the counties of Beadle, Campbell, Edmunds, Faulk,~~  
14 ~~Hand, Hughes, Hyde, McPherson, Potter, Spink, Stanley, Sully, or Walworth;~~ and one member  
15 from District IV shall reside within the counties of Butte, ~~Corson, Dewey~~ Custer, Fall River,  
16 Harding, Lawrence, Meade, Pennington, Perkins, or Ziebach Shannon; and one additional South  
17 Dakota resident shall be appointed by the Governor to serve as an at-large member of the  
18 commission selected from a list of names representing one individual from each district. The  
19 term of each member appointed pursuant to this section shall be ~~three years~~ for no more than  
20 two consecutive four-year terms with the exception of the initial appointments which shall be  
21 made as follows: ~~two members for a three-year term, two members for a two-year term and two~~  
22 ~~members for a one-year term.~~ The Governor shall designate the length of terms for the initial  
23 appointments as authorized in this section District I for a one-year term, District II for a two-  
24 year term, District III for a three-year term, and District IV for a four-year term. As the term of

1 any gubernatorial member expires, a new member shall be appointed from the district for a  
2 period of ~~three~~ four years. ~~In the event of~~ If a vacancy ~~occurring~~ occurs in any of the terms, the  
3 Governor may appoint a successor in the manner described in this section to complete the term.

4 Section 3. The terms of the appointed members of the South Dakota Weed and Pest Control  
5 Commission in office on July 1, 2010, continue until January 1, 2011, at which time their terms  
6 end. The Governor shall appoint five members pursuant to section 2 of this Act. Terms for those  
7 members shall begin on January 1, 2011. The appointments may include former or currently  
8 serving commission members. No term previous to the reformulation of the commission  
9 pursuant to this Act may be considered in regard to term limitations.