AN ACT

ENTITLED, An Act to revise certain provisions related to complaints of encroachment by prairie dogs on private land.

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

Section 1. That § 38-22-1.2 be amended to read as follows:

38-22-1.2. Terms used in this chapter mean:

(1) "Agricultural chemical," any material used to control or eradicate weeds or pests;

(2) "Board," any county weed and pest board;

(3) "Board member area," a geographical area within a county from which a member of the board is appointed;

(4) "Commission," the South Dakota Weed and Pest Control Commission;

(5) "Control," the prevention or limiting of the growth, spread, or development of weeds or pests;

(6) "Department," the State Department of Agriculture;

(7) "Pest," any rodent, bird, other than a game bird or a state or federally protected bird, insect, or nematode which the commission has found to be detrimental to the production of crop or livestock or to the welfare of persons residing within the state. Prairie dogs are included in the definition of a pest if all of the following conditions apply:

(a) Sylvatic plague has been reported in any prairie dog colony east of the Rocky Mountains;

(b) The South Dakota Department of Game, Fish and Parks has determined that the population of prairie dogs within the state, including tribal lands, exceeds the one hundred forty-five thousand acre level;

(c) Prairie dogs are colonizing on lands where the prairie dogs are unwanted by the

owner of the impacted land;

(d) Lands adjacent to the impacted owner's land do not have a maintained one-mile buffer zone, or other mutually agreed border, in which prairie dog control is applied; and

(i) The owner of the impacted land has filed a written complaint of encroachment requesting mitigation or abatement with the South Dakota Department of Agriculture and served a copy upon the owner of adjoining lands from which the prairie dogs are encroaching; or

(ii) The owner of the impacted land has filed a written complaint of the encroachment with the county weed and pest board;

(8) "Pesticide," a substance or mixture of substances for preventing, destroying, repelling, or mitigating any pest or any substance or mixture of substances intended for use as a plant regulatory, defoliant, or desiccant or any substance or mixture of substances intended to be used as a spray adjuvant;

(9) "Secretary," the state secretary of the Department of Agriculture;

(10) "Supervisor," any person appointed or employed by a board for the purpose of carrying out the provisions of this chapter;

(11) "Weed," any plant which the commission has found to be detrimental to the production of crops or livestock or to the welfare of persons residing within the state.

An Act to revise certain provisions related to complaints of encroachment by prairie dogs on private land.

I certify that the attached Act originated in the

HOUSE as Bill No. 1259

_____
Chief Clerk

_____
Speaker of the House

Attest:

_____
Chief Clerk

_____
President of the Senate

Attest:

_____
Secretary of the Senate

House Bill No. 1259
File No. ____
Chapter No. _____

Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20___
at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State