

AN ACT

ENTITLED, An Act to establish a fee for a nursery license and to increase fees for nursery inspection.

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

Section 1. That § 38-24B-7 be amended to read:

38-24B-7. The department may issue a license to any nurseryman, operating as a resident nurseryman or dealer. The annual fee for the license is as follows:

- (1) Resident nurseryman: two hundred dollars. However, the fee for a resident nurseryman with less than five thousand dollars in gross sales on nursery stock is forty-two dollars and fifty cents;
- (2) Nursery stock dealer with less than five thousand dollars annual gross sales of nursery stock: seventy dollars;
- (3) Nursery stock dealer with more than five thousand but less than twenty thousand dollars annual gross sales of nursery stock: one hundred fifteen dollars; or
- (4) Nursery stock dealer with more than twenty thousand dollars annual gross sales of nursery stock: two hundred dollars.

Section 2. The department may issue a certificate of inspection to any nurseryman or dealer whose nursery stock has been officially inspected and found to be viable and free from pests. The inspection fee shall be two hundred and fifteen dollars per inspection.

Section 3. That § 38-24B-5 be amended to read:

38-24B-5. No person may sell, offer for sale, or distribute any nursery stock until the person has obtained a license from the secretary. A violation of this section is a Class 2 misdemeanor.

Section 4. That § 38-24B-6 be amended to read:

38-24B-6. Any nurseryman desiring to sell or ship nursery stock in the state shall make

application before the first day of March to the department for a license.

Section 5. That § 38-24B-8 be amended to read:

38-24B-8. A separate license shall be obtained from the department for each location before selling, offering, or exposing nursery stock for sale. The license shall be displayed in a prominent manner wherever nursery stock is offered for sale. A violation of this section is a Class 2 misdemeanor.

Section 6. That § 38-24B-11 be amended to read:

38-24B-11. No certificate of inspection or license may be issued to an applicant who purchases nursery stock from an uncertified nursery in this state or from a nonresident nursery or nursery stock dealer whose stock has not been inspected and certified by the regulatory official of the state of origin.

Section 7. That § 38-24B-12 be amended to read:

38-24B-12. Any grower or dealer of decorative plants, annual plants, sod, or related plant products may apply to the department for a certificate of inspection. The department may issue a certificate of inspection to the person whose decorative plants, annual plants, sod, or related plant products have been officially inspected and found free from pests. The fee for inspection and certification is one hundred forty dollars plus five dollars for each acre of growing field and five dollars for each ten thousand square feet of growing greenhouse.

Section 8. That § 38-24B-13 be amended to read:

38-24B-13. The secretary may revoke a license for cause following a hearing pursuant to chapter 1-26. The secretary may issue a temporary cease and desist order pending the hearing. At least ten days notice shall be given prior to conducting a hearing pursuant to this section.

Section 9. That § 38-24B-14 be amended to read:

38-24B-14. A license issued pursuant to the provisions of this chapter is in effect for a period not

to exceed one year and expires on December thirty-first of the year following the date of issue.

Section 10. That § 38-24B-29 be amended to read:

38-24B-29. If a nurseryman violates the provisions of this chapter, the nurseryman's license may be cancelled or revoked pursuant to chapter 1-26. In addition, any person is liable in a civil action for all damage that is occasioned or caused by a violation of this chapter.

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I certify that the attached Act
originated in the

SENATE as Bill No. 16

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 16

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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

Governor

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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