

AN ACT

ENTITLED, An Act to increase the pesticide registration fee, to revise its allocation, to revise certain related provisions, and to declare an emergency.

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

Section 1. That § 38-20A-4 be amended to read as follows:

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

- (1) The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant;
- (2) The name of the pesticide;
- (3) One complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including directions for use;
- (4) If requested by the secretary, efficacy, toxicity, residue, and any other data necessary to determine if the pesticide will perform its intended function without unreasonable adverse effects on the environment;
- (5) The classification or lack of classification and general use or restricted use of the pesticide; and
- (6) A biennial application fee of three hundred dollars. Beginning July 1, 2010, the biennial application fee is two hundred forty dollars.

Each registration is valid for a two-year period and expires on the alternate June thirtieth. The registration may not be transferred. A fee equal to fifty percent of the application fee shall be applied to any late renewal.

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

Section 2. That § 38-20A-55 be amended to read as follows:

38-20A-55. The secretary of agriculture shall establish an advisory committee to oversee development and implementation of the program established in §§ 38-20A-54 to 38-20A-57, inclusive. Committee members shall represent entities or agencies cooperating with the Department of Agriculture in the pesticide container recycling and pesticide disposal program. Duties of the advisory committee include conducting ongoing educational efforts on waste minimization and container rinsing and promoting waste pesticide and pesticide container collection.

Section 3. That § 38-20A-59 be amended to read as follows:

38-20A-59. The biennial application fee for each pesticide registered in § 38-20A-4 shall be distributed as follows:

- (1) Forty dollars shall be deposited in the pesticide regulatory fund created in § 38-21-57;
- (2) Sixty-seven dollars and fifty cents shall be deposited in the weed and pest fund created in § 38-22-35;
- (3) Forty-two dollars and fifty cents shall be deposited in the public lands weed and pest fund created in § 38-20A-58;
- (4) Thirty dollars shall be deposited within the agricultural experiment station pursuant to chapter 13-58;
- (5) Twenty dollars shall be deposited within the cooperative extension service pursuant to chapter 13-54;
- (6) Forty dollars shall be deposited in the pesticide recycling and disposal fund created in § 38-20A-56; and

(7) Sixty dollars shall be deposited in the coordinated natural resources conservation fund created in § 38-7-25. This subdivision is repealed on July 1, 2010.

The late renewal fee in § 38-20A-4 shall be divided equally among the weed and pest fund created in § 38-22-35, the pesticide regulatory fund created in § 38-21-57, and the public lands weed and pest fund created in § 38-20A-58.

Section 4. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

An Act to increase the pesticide registration fee, to revise its allocation, to revise certain related provisions, and to declare an emergency.

I certify that the attached Act
originated in the

SENATE as Bill No. 134

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 134
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