

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

400Q0204

HOUSE BILL NO. 1070

Introduced by: The Committee on Appropriations at the request of the Department of
Agriculture

1 FOR AN ACT ENTITLED, An Act to revise certain fees pertaining to seed permits and nursery
2 certificates of inspection.

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

4 Section 1. That § 38-12A-11 be amended to read as follows:

5 38-12A-11. No person may sell, distribute, advertise, solicit orders for, offer for sale, expose
6 for sale, or transport seed without first obtaining from the Department of Agriculture a permit
7 to engage in the business. ~~A~~ No permit is ~~not~~ required of any person selling or advertising seed
8 of the person's own production in South Dakota, if the seed is stored or delivered to a purchaser
9 only on or from the farm or premises where grown or the production and sale of seed is not a
10 primary endeavor and primary source of income to such persons. Each permit shall expire on
11 the thirty-first day of December of the year following the date of issue. The biennial fee for a
12 seed permit is: Seedsman ~~--two hundred fifty~~ five hundred dollars; Seed producer ~~--fifty~~
13 seventy-five dollars; Seed dealer ~~--fifty~~ seventy-five dollars.

14 Section 2. That § 38-24B-7 be amended to read as follows:

15 38-24B-7. The Department of Agriculture may issue a certificate of inspection to any



nurseryman, operating as a resident nurseryman or dealer, whose nursery stock has been officially inspected and found to be viable and free from pests. The biennial fee for the inspection and certification is ~~one hundred fifty dollars plus four dollars for each acre over one acre of inspected plants. A conservation district that plants less than thirty acres of nursery stock in a year or a dealer who is in business for less than three months in a year and only sells plants obtained from an inspected in-state nursery may obtain a certificate of inspection at the reduced fee of one hundred dollars as follows:~~

(1) Resident nurseryman: five hundred dollars plus twenty dollars for each acre over one acre of inspected plants and twenty dollars for each one thousand square feet of growing greenhouse;

(2) Nursery stock dealer with less than five thousand dollars annual gross sales of nursery stock: one hundred fifty dollars;

(3) Nursery stock dealer with more than five thousand but less than twenty thousand dollars annual gross sales of nursery stock: two hundred fifty dollars; or

(4) Nursery stock dealer with more than twenty thousand dollars annual gross sales of nursery stock: five hundred dollars.

Section 3. That § 38-24B-9 be amended to read as follows:

38-24B-9. Any nurseryman whose location is outside the state may obtain a certificate of inspection to sell nursery stock within the state by filing a certified copy of the official inspection certificate and paying a ~~one hundred fifty~~ five hundred dollar fee to the secretary of agriculture. The secretary may waive the payment of the fee if the applicant's state does not require a fee by South Dakota applicants for a like certificate in that state.

Section 4. That § 38-24B-12 be amended to read as follows:

38-24B-12. Any grower or dealer of decorative plants, annual plants, sod, or related plant

1 products may apply to the department for a certificate of inspection. The Department of
2 Agriculture may issue a certificate of inspection to the person whose decorative plants, annual
3 plants, sod, or related plant products have been officially inspected and found free from pests.
4 The fee for inspection and certification is ~~one hundred fifty~~ five hundred dollars plus ~~two~~ ten
5 dollars for each acre of growing field and ~~two~~ ten dollars for each one thousand square feet of
6 growing greenhouse.