

State of South Dakota

EIGHTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 2009

400Q0204

HOUSE ENGROSSED NO. **HB 1070** - 2/24/2009

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: two hundred fifty dollars plus ten dollars for each acre over one acre of field-grown inspected plants and ten dollars for each ten thousand square feet of container-grown plants, except the fee for a resident nurseryman with less than five thousand dollars in gross sales on nursery stock is seventy-five dollars plus ten dollars for each acre over one of field-grown inspected plants and ten dollars for each ten thousand square feet of container-grown plants;

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

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

(4) Nursery stock dealer with more than twenty thousand dollars annual gross sales of nursery stock: two hundred fifty 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~~ two hundred fifty dollar fee to the secretary of agriculture. The secretary may waive the payment of the fee if the applicant's state does not

1 require a fee by South Dakota applicants for a like certificate in that state.

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

3 38-24B-12. Any grower or dealer of decorative plants, annual plants, sod, or related plant
4 products may apply to the department for a certificate of inspection. The Department of
5 Agriculture may issue a certificate of inspection to the person whose decorative plants, annual
6 plants, sod, or related plant products have been officially inspected and found free from pests.
7 The fee for inspection and certification is ~~one~~ two hundred fifty dollars plus ~~two~~ five dollars for
8 each acre of growing field and ~~two~~ five dollars for each ~~one~~ ten thousand square feet of growing
9 greenhouse.

10 Section 5. That § 38-24B-2 be amended to read as follows:

11 38-24B-2. The secretary of agriculture may promulgate rules pursuant to the provisions of
12 chapter 1-26 to establish:

- 13 (1) Standards for inspection and sampling;
- 14 (2) Standards for inspection performance;
- 15 (3) Forms for requests for inspection;
- 16 (4) Procedures for issuing and revoking certificates of inspections;
- 17 (5) Restrictions for the movement of plants and hosts;
- 18 (6) Treatment provisions of infested hosts or premises;
- 19 (7) Provisions for issuance of special phytosanitary certificates;
- 20 (8) Provisions for quarantine or destruction of pests and hosts; ~~and~~
- 21 (9) Reporting requirements on suspected plants; and
- 22 (10) Criteria for the implementation and administration of the fee schedule contained in
23 § 38-24B-7.