

AN ACT

ENTITLED, An Act to revise certain fees pertaining to seed permits and nursery certificates of inspection.

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

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

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

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

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 as follows:

- (1) Resident nurseryman: three 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: three 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 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 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 products may apply to the department for a certificate of inspection. The Department of Agriculture 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 two hundred fifty dollars plus five dollars for each acre of growing field and five dollars for each ten thousand square feet of growing greenhouse.

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

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

- (1) Standards for inspection and sampling;
- (2) Standards for inspection performance;

- (3) Forms for requests for inspection;
- (4) Procedures for issuing and revoking certificates of inspections;
- (5) Restrictions for the movement of plants and hosts;
- (6) Treatment provisions of infested hosts or premises;
- (7) Provisions for issuance of special phytosanitary certificates;
- (8) Provisions for quarantine or destruction of pests and hosts;
- (9) Reporting requirements on suspected plants; and
- (10) Criteria for the implementation and administration of the fee schedule contained in § 38-24B-7.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1070

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1070

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
=====

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