

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

750E0076

HOUSE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **SB 98** - 02/20/2001

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senator Hutmacher and Representatives Nachtigal and Bartling

1 FOR AN ACT ENTITLED, An Act to establish certain penalties for failure to control weeds and
2 pests.

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

4 Section 1. That chapter 38-22 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any owner, occupant, or other person who maintains or exercises control or management
7 over land who is issued notice pursuant to § 38-22-17 or 38-22-18 for two consecutive years is
8 guilty of a Class 2 misdemeanor. Any owner, occupant, or other person who maintains or
9 exercises control or management over land on which the secretary of agriculture has conducted
10 protective operations pursuant to §§ 38-22-17 and 38-22-21 for two consecutive years is guilty
11 of a Class 1 misdemeanor.

12 Section 2. That chapter 38-22 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 Any owner, occupant, or other person who maintains or exercises control or management

1 over land who is issued a resolution by the county weed and pest board pursuant to § 38-22-
2 23.13 for two consecutive years is guilty of a Class 2 misdemeanor. Any owner, occupant, or
3 other person who maintains or exercises control or management over land on which the county
4 weed and pest board has performed remedial requirements pursuant to § 38-22-23.14 for two
5 consecutive years is guilty of a Class 1 misdemeanor.

6 Section 3. That chapter 38-22 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 If the county weed and pest board is requested by an individual to perform weed and pest
9 control operations on the individual's property and fails to reimburse the county by November
10 in the year in which the operations are performed, the cost of the operations shall become a lien
11 against the lands of the owner pursuant to § 38-22-23.14.