

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

471L0640

## SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. **SB 216** - 02/15/2005

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

Introduced by: Senators Lintz, Duenwald, Greenfield, Hanson (Gary), McNenny, Moore, Napoli, and Peterson (Jim) and Representatives Pederson (Gordon), Brunner, Jensen, and McCoy

1 FOR AN ACT ENTITLED, An Act to enumerate the circumstances under which prairie dogs  
2 are to be considered pests.

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

4 Section 1. That § 38-22-1.2 be amended to read as follows:

5 38-22-1.2. Terms used in this chapter, ~~unless the context otherwise clearly requires,~~ mean:

- 6 (1) "Agricultural chemical," any material used to control or eradicate weeds or pests;
- 7 (2) "Board," any county weed and pest board;
- 8 (3) "Board member area," a geographical area within a county from which a member of  
9 the board is appointed;
- 10 (4) "Commission," the South Dakota Weed and Pest Control Commission;
- 11 (5) "Control," the prevention or limiting of the growth, spread, or development of weeds  
12 or pests;
- 13 (6) "Department," the State Department of Agriculture;
- 14 (7) "Pest," any rodent, bird, ~~other than a game bird or a state or federally protected bird,~~



1 insect, or nematode which the commission has found to be detrimental to the  
2 production of crop or livestock or to the welfare of persons residing within the state,  
3 Prairie dogs are included in the definition of a pest if all of the following conditions  
4 apply:

5 (a) Sylvatic plague has been reported in any prairie dog colony east of the Rocky  
6 Mountains;

7 (b) The South Dakota Department of Game, Fish and Parks has determined that  
8 the population of prairie dogs within the state, including tribal lands, exceeds  
9 the one hundred forty-five thousand acre level;

10 (c) Prairie dogs are colonizing on lands where the prairie dogs are unwanted by  
11 the owner of the impacted land;

12 (d) Lands adjacent to the impacted owner's land do not have a maintained one-  
13 mile buffer zone, or other mutually agreed border, in which prairie dog control  
14 is applied, and the owner of the impacted land has filed a written complaint of  
15 encroachment requesting mitigation or abatement with the South Dakota  
16 Department of Agriculture and served a copy upon the owner of adjoining  
17 lands from which the prairie dogs are encroaching;

18 (8) "Pesticide," a substance or mixture of substances for preventing, destroying,  
19 repelling, or mitigating any pest or any substance or mixture of substances intended  
20 for use as a plant regulatory, defoliant, or desiccant or any substance or mixture of  
21 substances intended to be used as a spray adjuvant;

22 (9) "Secretary," the state secretary of the Department of Agriculture;

23 (10) "Supervisor," any person appointed or employed by a board for the purpose of  
24 carrying out the provisions of this chapter;

- 1       (11) "Weed," any plant which the commission has found to be detrimental to the  
2           production of crops or livestock or to the welfare of persons residing within the state.