

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

471B0530

HOUSE BILL NO. 1188

Introduced by: Representatives Anderson, Brunner, Chase, Finck, Glanzer, Lake, Lesmeister, Otten (Herman), Peterson (Kent), Post, Randolph, and Reed and Senators Klumb, Cammack, Cronin, Greenfield (Brock), Heinert, Steinhauer, Wiik, and Youngberg

1 FOR AN ACT ENTITLED, An Act to revise provisions regarding fertilizer inspection fees.

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

3 Section 1. That § 38-19-10.1 be amended to read:

4 38-19-10.1. In addition to the fee imposed by § 38-19-10, each licensed distributor of
5 commercial fertilizer shall pay to the secretary of agriculture for all commercial fertilizer
6 distributed in this state an inspection fee of twenty-five cents per ton in accordance with the
7 provisions of § 38-19-12. However, if the distributed fertilizer is made up entirely of composted
8 or manipulated animal manure, the fee shall only be one-fifth of the fee collected and deposited
9 for commercial fertilizer, pursuant to this section. Notwithstanding the provisions of § 38-19-14,
10 the fee imposed by this section shall be deposited in the precision agriculture fund created
11 pursuant to § 13-49-38. (This section is repealed pursuant to SL 2018, ch 123, § 11 on the first
12 day of the fiscal year following a determination by the Board of Regents that the bonds
13 authorized pursuant to SL 2018, ch 123, § 4 are satisfied and paid in full.)

14 Section 2. That § 38-19-49 be amended to read:



1 38-19-49. From each fee collected pursuant to § 38-19-10, fifty cents shall be deposited into
2 the nutrient research and education fund created in § 38-19-48. However, if the distributed
3 fertilizer is made up entirely of composted or manipulated animal manure, the fee shall only
4 be one-fifth of the fee collected and deposited for commercial fertilizer, pursuant to this section.

5 The nutrient research and education fund shall be disbursed as follows:

- 6 (1) The Agriculture Experiment Station may use an amount not to exceed five percent
7 of the revenue deposited in the fund for administrative expenses necessary to carry
8 out the functions of §§ 38-19-48 to 38-19-51, inclusive;
- 9 (2) The balance of the fund shall be used for fertilizer-related, nutrient-related, and water
10 quality-related research and education purposes in conjunction with the Nutrient
11 Research and Education Council; and
- 12 (3) Beginning in fiscal year 2020, a minimum of ten percent of the fund shall be used to
13 support water quality projects.