

AN ACT

ENTITLED, An Act to increase the commercial fertilizer inspection fee for purposes of fertilizer-related research and to create the Nutrient Research Education Council to promote such research.

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

Section 1. That § 38-19-10 be amended to read as follows:

38-19-10. Each licensed distributor of commercial fertilizer shall pay to the secretary of agriculture for all commercial fertilizer distributed in this state an inspection fee in accordance with the provisions of § 38-19-12, not to exceed forty cents per ton. The secretary of agriculture shall promulgate rules pursuant to chapter 1-26 to establish the inspection fee.

Section 2. That ARSD 12:44:06:01 be amended to read as follows:

12:44:06:01. Commercial fertilizer tonnage inspection fee. The commercial fertilizer tonnage inspection fee is thirty cents a ton, except the fee is twenty cents a ton on products that are made up entirely of manipulated animal manure.

Section 3. That § 38-19-14 be amended to read as follows:

38-19-14. Fees collected pursuant to this chapter shall be deposited with the state treasurer in a special revenue fund known as the fertilizer fund. This fund shall consist of moneys from public and private sources including legislative appropriations, federal grants, gifts, and the fees received pursuant to this chapter. The fund shall be maintained separately and be administered by the department in order to defray the expenses of all activities associated with administering the fertilizer program and to provide funding for fertilizer- and nutrient-related research at South Dakota State University and related purposes as provided in section 4 of this Act. Expenditures from the fund shall be appropriated through the normal budget process. Unexpended funds and interest shall remain in the fund until appropriated by the Legislature.

Section 4. That chapter 38-19 be amended by adding thereto a NEW SECTION to read as

follows:

From each fee collected pursuant to § 38-19-10, fifteen cents shall be provided to the South Dakota Agricultural Experiment Station to be used as provided in this Act for fertilizer- and nutrient-related research projects and activity at South Dakota State University in conjunction with the Nutrient Research and Education Council established in section 5 of this Act.

Section 5. That chapter 38-19 be amended by adding thereto a NEW SECTION to read as follows:

The Nutrient Research and Education Council is hereby established. The council shall consist of nine voting members, including three representing the fertilizer industry; three representing grower organizations, to include at least one member from the state's largest commodity organizations, one person representing the specialty fertilizer industry, and one person representing a certified agronomy association; two at-large positions; and the director of the South Dakota Agricultural Experiment Station or the director's designee. The council shall also include four nonvoting members: two persons representing environmental organizations, one person representing the secretary of the Department of Agriculture, and one person representing the secretary of the Department of Environment and Natural Resources. In the appointment of members to the council, the organizations designated in this section shall nominate, and the secretary of agriculture shall select from these nominations, representatives to the council. Members of the council may receive no compensation, but members may be reimbursed for travel and subsistence expense in accordance with rules promulgated by the State Board of Finance. The council shall meet at least twice each year. The council shall be administered under the direction and supervision of the South Dakota Agricultural Experiment Station, but retains the respective quasi-judicial, quasi-legislative, advisory, other nonadministrative and special budgetary functions (as defined in § 1-32-1) otherwise vested in them and shall exercise those functions independently of the South Dakota Agricultural

Experiment Station.

Section 6. That chapter 38-19 be amended by adding thereto a NEW SECTION to read as follows:

The Nutrient Research and Education Council established in section 5 of this Act, acting in cooperation and conjunction with the South Dakota Agricultural Experiment Station, shall:

- (1) Prioritize nutrient research and education proposals and solicit research proposals to generate findings and make recommendations to the council based on the findings;
- (2) Evaluate the proposed budget for each research project and make recommendations as necessary;
- (3) Arrange for peer review of all research proposals for scientific merit and methods;
- (4) Disseminate the findings of all research projects to the appropriate agricultural sector in the manner deemed most effective;
- (5) Cooperate with other programs with similar goals, if practicable.

The council shall publish an annual financial and activities report, including the amount of funds collected and expenditures for nutrient programs.

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I certify that the attached Act originated in the

SENATE as Bill No. 115

\_\_\_\_\_  
Secretary of the Senate

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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 115  
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

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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